

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
CALIFORNIA DESERT DISTRICT ADVISORY COUNCIL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
VOLUME I

LOCATION: Barstow College Gymnasium
Barstow, California

DATE AND TIME: Friday, June 28, 2002
8 a.m. to 5:10 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR
CSR NO. 3710

JOB NO.: 59242JG

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A P P E A R A N C E S

MEMBERS PRESENT:	REPRESENTING:
ILENE ANDERSON	RENEWABLE RESOURCES
WILLIAM A. BETTERLY	PUBLIC-AT-LARGE
HOWARD J. BROWN	NONRENEWABLE RESOURCES
DENNIS CASEBIER	PUBLIC-AT-LARGE
SHERI DAVIS	PUBLIC-AT-LARGE
ROY DENNER	RECREATION
BOB ELLIS	ENVIRONMENTAL PROTECTION
JERI FERGUSON	RECREATION
RON KEMPER (CHAIRPERSON)	RENEWABLE RESOURCES
WALLY LEIMGRUBER	COUNTY GOVERNMENT
JON McQUISTON	COUNTY GOVERNMENT
RANDY RISTER	WILDLIFE
PAUL SMITH	PUBLIC-AT-LARGE
STAFF PRESENT:	
LINDA HANSEN	DISTRICT MANAGER, DESERT
TONY DANNA	DEPUTY STATE DIRECTOR
	FOR RESOURCES
MOLLY BRADY	NEEDLES FIELD OFFICE
BILL HAIGH	WEST MOJAVE PLAN
HAROLD JOHNSON	BARSTOW FIELD OFFICE
JIM KENNA	PALM SPRINGS FIELD OFFICE
ED LARUE	WEST MOJAVE PLAN
LARRY LAPRE	WEST MOJAVE PLAN
MIKE POOL	STATE BLM DIRECTOR
STEVE RAZO	RIVERSIDE FIELD OFFICE
DORAN SANCHEZ	RIVERSIDE FIELD OFFICE
ALAN STEIN	RIVERSIDE FIELD OFFICE
GREG THOMSEN	EL CENTRO FIELD OFFICE
HECTOR VILLALOBOS	RIDGECREST FIELD OFFICE
LES WEEKS	WEST MOJAVE PLAN

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1 Barstow, CA

Friday, June 28, 2002

2 P-R-O-C-E-E-D-I-N-G-S

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4

5 MEMBER ANDERSON: I welcome all of you to the
6 Advisory -- Desert Advisory Council for the BLM. I'm going
7 to start off with some introductions.

8 And I will introduce myself. I am currently
9 the chairperson. My name is Ilene Anderson. And I'm here
10 representing renewable resources. My affiliation is with
11 the California Native Plant Society. And if we can start in
12 the far end, please introduce yourselves. We will have an
13 opportunity for our member reports later in the agenda, but
14 I thought we should introduce ourselves to our audience.

15 MEMBER DENNER: My name is Roy Denner. I'm
16 the recreation representative. Currently president and CEO
17 of an organization called the Off-Road Business Association.
18 I'm also a member of a number of off-road volunteer groups.
19 And thank you all for coming out today.

20 MEMBER DAVIS: My name is Sheri Davis,
21 public-at-large representative. I actually represent the
22 film industry. I'm the director of the Inland Empire Film
23 Commission.

24 MEMBER LEIMGRUBER: Good morning. Wally
25 Leimgruber, Imperial County Supervisor, District 5.

1 Recently re-elected in the March primary. So my term will
2 continue on until 2006.

3 (Applause from the audience.)

4 MEMBER BROWN: I'm Howard Brown, representing
5 nonrenewable resources, better known as mining in this area.
6 I'm a geologist. I have been working out here since the
7 late 1970s. So I'm real familiar with Mojave Desert and the
8 geology and aspects of mining and minerals, and I'm new to
9 the Council.

10 MEMBER SMITH: Good morning. I'm Paul Smith.
11 I represent the public-at-large, and I'm from Twentynine
12 Palms, affiliated with the Twentynine Palms Inn of the Oasis
13 of Mara, for those of you who know it.

14 MEMBER RISTER: Good morning. I'm Randy
15 Rister. I represent wildlife. I'm the parks and recreation
16 director for Imperial County. I'm also the executive
17 director for the County's Fish and Game Commission. I have
18 been a founding member of Fish and Wildlife Unlimited. I'm
19 a member of the Society for the Conservation of Big Horn
20 Sheep and many other wildlife conservation organizations.

21 MS. HANSEN: Good morning, my name is Linda
22 Hansen. I'm here as the acting district manager for the
23 California Desert District, and I'm pleased to welcome all
24 of you in the audience, plus our council members here today
25 for this meeting.

1 MEMBER ELLIS: Hello. My name is Bob Ellis.
2 I represent environmental protection. I'm a desert
3 backpacker, and I'm active in environmental protection
4 issues with the Sierra Club Desert Committee and the
5 California Nevada Sierra Club Wilderness Committee. And I
6 also lead backpack tours into wilderness area for desert
7 survivors.

8 MEMBER KEMPER: I'm Ron Kemper. I represent
9 renewable resources and livestock producers.

10 MR. CASEBIER: I'm Dennis Casebier. I live
11 in Essex, California. I represent the public-at-large, and
12 I'm especially interest in cultural side of resources in the
13 desert.

14 MEMBER BETTERLY: My name is Bill Betterly,
15 and I represent the public-at-large. And I am a former
16 County Supervisor, Planning Commissioner, and I'm also on
17 the California Water Quality Control Board within the
18 Huntley region.

19 MS. HANSEN: I would also like to take a
20 moment to introduce our managers that are here for us for
21 the rest of the Desert District. Jim Kenna from our Palm
22 Springs field office, Greg Thomsen from the El Centro field
23 office, Hector Villalobos from Ridgecrest. Harold here in
24 Barstow -- I blanked on your last name -- and Molly Brady
25 also here from the Needles field office.

1 I would also like to introduce to you Tony
2 Danna, who is our deputy state director for resources in our
3 Sacramento office, and he is going to be here with us this
4 next couple of days helping us with some of the agenda
5 items. I don't want to forget Doran Sanchez, who is the one
6 who is responsible for putting these meetings together for
7 us. So I want to recognize him and also Steve Razo, who is
8 here as our other representative, and Alan Stein, who is our
9 chief of resources out of Riverside.

10 MEMBER ANDERSON: At this point I would like
11 everyone to rise for the Pledge of Allegiance.

12 (Pledge of Allegiance recited.)

13 MEMBER ANDERSON: Next, I would like to do a
14 quick agenda review for those of you in the audience.
15 Agendas are available out on the table in the foyer.

16 And the first thing we are going to do this
17 morning is do a little bit of internal DAC business with
18 regards to reviewing the DAC charter, the Council's role and
19 function, and this will give the Council an opportunity to
20 ask questions and have a refresher on what our mandate is
21 with regards to the charter.

22 And next there will be an election of
23 officers. Following that, public comment period for those
24 of you in the audience on subjects not on the agenda.

25 After our break, we will have Council member

1 reports and district manager reports. After lunch, the
2 field manager reports will happen, and at 2:15, we have our
3 discussion and overview presentation of the West Mojave
4 Plan, which will continue through the afternoon. And we
5 will wrap things up at 5 o'clock.

6 There will be an opportunity for those of you
7 in the audience to have public comment on issues regarding
8 the West Mojave Plan this afternoon.

9 Tomorrow morning we will reconvene at 8:00.
10 We will select our next meeting date and location and
11 potential agenda topics, so I encourage the Council to think
12 about those issues, what we would like to visit on our next
13 meeting.

14 At 8:10, we will have updates on the different
15 district planning efforts. And after a break at 10:00, we
16 will talk about plan implementation and strategies and
17 priorities, TRTs, et cetera. After lunch, we will talk
18 about Council involvement in future projects. So that's
19 sort of our agenda for the meeting today and tomorrow.

20 And with that, the next thing we will do is
21 review the DAC charter, and I will turn it over to Linda
22 Hansen.

23 MS. HANSEN: I guess first I would ask the
24 council members in looking at this agenda, if there is
25 anything that they don't see on that agenda, that we might

1 want to put into a bin item to touch on as we can, if we
2 could during the next couple of days or certainly something
3 to keep in mind for future agenda.

4 MEMBER KEMPER: I believe if we go to the
5 trouble of having a professional court reporter take
6 minutes, it might be appropriate to approve the minutes or
7 to have the minutes amended to reflect what the Council
8 members believe was correct.

9 MS. HANSEN: Put up the minutes on the --

10 MEMBER KEMPER: At least on future agendas.

11 MS. HANSEN: I don't know if you have minutes
12 from the prior meeting in your packets today. I don't
13 believe we do.

14 MEMBER KEMPER: That was something I was
15 going to discuss at a little later date. I think it's
16 appropriate to have those far enough in advance to be able
17 to discuss them.

18 MS. HANSEN: All right. Having nothing
19 further, then, offered for our bin for the agenda, we will
20 take a look at the charter. You should all have a copy of
21 the charter in your packets. We wanted to do this as an
22 opportunity to sort of give a little bit of an orientation
23 to our new members, but I think it's also a good thing to go
24 back and just for all of us, review kind of our purpose in
25 being here, how we got here, and what the Council is all

1 about.

2 Of course, this is the California Desert
3 District Advisory Council. One of the only remaining --
4 well, the only remaining district in California any longer.
5 This Council was established through the Federal Land
6 Management -- Federal Land -- FLPMA. What does that mean?
7 Federal Land Management Policy Act, as a part of the
8 establishment of the California Desert Conservation area.

9 If you look at your objectives and scope which
10 is the No. 2 item in your charter, it talks about providing
11 representative citizen counsel and advice to the Bureau of
12 Land Management, California Desert District Manager
13 concerning: Planning and management of public land
14 resources within the BLM; and implementation of
15 comprehensive long-range plan of the management, use,
16 development and protection of the public lands within the
17 California Desert Conservation Area.

18 In order to allow for the Council to do its
19 activities, since its functions are related to the BLM's
20 responsibility for management of the public lands and
21 resources, this Council is expected to continue
22 indefinitely. However, Council continuation will be subject
23 to periodic review and rechartering as required by Section
24 14 (b) of the Federal Advisory Committee Act or FACA. And
25 there is also a copy of that act in that packet, should you

1 want to refer to it at any time in the future. And I
2 believe about two years ago or so, there was some review of
3 this charter with the Council, and it was agreed upon, I
4 believe, at that time that the charter would stand as it is.
5 For those of you who have more history than I do, you can
6 confirm that.

7 The Council reports to the California Desert
8 District manager, but you are actually appointed as members
9 of this Council by the Secretary of Interior. Your
10 administrative support is provided by the district managers
11 and their staff. And the duties of the Council are at the
12 request of the district manager or their designees.

13 The Council meets periodically to gather and
14 analyze information, conduct studies and field examinations,
15 hear public testimony, ascertain facts in an advisory
16 capacity only, develop recommendations for the district
17 manager concerning use, classification, retention, disposal,
18 or other aspects of public lands, planning and management in
19 the public interest, including recommendations regarding
20 implementation of the long-range plan for the California
21 Desert Conservation Area.

22 And of course on your agenda for the next two
23 days, we will be looking at where we are with some of these
24 plan efforts across the desert, and you will be able at that
25 point to provide and receive information about the status of

1 those plans, what those plans are designed to do, and direct
2 in terms of management for the Desert Conservation Area.
3 And that will also give you an opportunity to discuss that
4 and also consider any recommendations that you might want to
5 make to the agency regarding those things.

6 And I guess what I would like to do is just
7 take a minute here to talk a little bit about
8 recommendations and some things that you might want to
9 consider as a Council when we begin to make recommendations
10 to be able to have positive results from those
11 recommendations.

12 First of all, I think it's important that as
13 the Council, you have a clear picture of what the issues
14 are. And that as an agency we are providing you with the
15 information that helps you to understand those issues and to
16 also understand the agency's requirements, regulations
17 and/or any constraints that we might have in dealing with
18 those issues so that you can weigh that when you start
19 looking at recommendations.

20 I think it's also important that you have good
21 discussion in your Council meetings amongst the Council
22 members so that you can weigh both sides, pros and cons, of
23 actions we might be proposing to you, but also to give you
24 an opportunity to look at alternative ways of dealing with
25 that issue so that when the Council comes to consensus and

1 conclusion on a recommendation, that you have a clear
2 understanding of what it is the issue is about and how we
3 might be able to use your recommendations.

4 So I have worked with other Councils in
5 California and Nevada over my time, and I really value the
6 opportunity to work with them and to provide -- or for them
7 to provide us with perspective. And certainly, some
8 creative thinking, if nothing else, and to represent their
9 constituencies and help us to be able to find ways to solve
10 issues, to work towards resolution of problems in public
11 land management.

12 I think if we can look at recommendations in
13 that way, in that regard, that when the recommendations come
14 to the agency, then a good share of that time they are going
15 to be positive recommendations that the agency can take and
16 walk forward with. And that's, of course, what I think we
17 all want. We want to have a positive and productive
18 Council.

19 The Council composition, your membership, is
20 to be balanced with respect to geographic considerations.
21 And as you introduced yourselves, of course, you come from
22 various locations across the desert. We want members'
23 interests and points of view and place of residence and
24 composition of the population, area served, to be
25 represented in the Council.

1 The functions to be performed and the major
2 issues and problems relating to planning and management of
3 the public lands within the district and the various
4 citizens' interests concerning these issues and problems we
5 also want to be represented in the membership on the
6 Council.

7 Your Council has 15 members. You are
8 appointed and serve at the pleasure of the Secretary of the
9 Interior. Again, you were established under the Federal
10 Land Policy and Management Act. At least one of your
11 members will be an incumbent elected official. And on your
12 Council, apparently I believe you have two. In addition, at
13 least one of your members will be qualified to represent and
14 provide advice on each of the following categories of
15 interest: Environmental Protection, Recreation, Renewable
16 Resources, Nonrenewable Resources, Transportation/Rights-of
17 -way (or occupancy issues), Wildlife and then
18 public-at-large.

19 To be eligible for appointment to the Council,
20 you must be qualified through education, training,
21 knowledge, experience. And I know all of you come with a
22 great deal of that in your backgrounds. I think you have
23 some excellent council members here.

24 Except as provided for in Paragraph 8 (f),
25 which comes later in here, members are appointed for a

1 three-year term on an established staggered-term basis with
2 as near as possible to one-third of the Council subject to
3 appointment or reappointment each year. We just got the
4 reappointments through for last year. Nominations are up
5 again for this year. And you will be going through another
6 period of renewal and nominations for four of your seats.
7 Each term begins on January 1st of the first year of your
8 appointment and ends on December 31st of the third year of
9 that appointment. And you can be reappointed for a second
10 term.

11 For those of you who have been appointed on
12 the basis of your status as an elected official, you have to
13 remain an elected official while you are representing that
14 interest on the Council. So we are pleased, Wally, that you
15 were re-elected.

16 MEMBER LEIMGRUBER: I was too.

17 MS. HANSEN: When any member fails to attend
18 three consecutive meetings, the district manager may
19 consider that to have been vacated. Upon such
20 determination, the district manager will inform the member
21 in writing that his or her service on the Council is
22 terminated. In my experience with councils, I think we have
23 only had to do that one time on one Council I have been
24 involved with. But I think it's important that there is
25 that caveat for us, because obviously, if you can't be here,

1 it's hard for us to have Council meetings with you. So
2 trying to keep people involved is important.

3 Vacancies high occur by reason of resignation,
4 death or departure from elected office, failure to attend to
5 regularly attend Council meetings or Secretarial removal
6 will be filled by the Secretary for the balance of the
7 vacating member's term, using the same method by which the
8 original appointment was made. So it requires a nomination
9 again and support of constituencies and appointment by the
10 Secretary of the Interior. Such vacancies are promptly
11 reported to the BLM Director, and the District Manager may
12 propose to the BLM Director, through the State Director, a
13 replacement for appointment consideration by the Secretary.

14 At the discretion of the Secretary, or his
15 designee, members are reappointed to additional terms under
16 the following conditions: A person who served a three-year
17 term on the Council may be reappointed to a second
18 consecutive three-year term. A person who has served an
19 appointed term for less than three years on the Council
20 filling a vacancy may be reappointed to two consecutive
21 three-year terms. So someone could actually spend more than
22 six years as a member of the Council if they were originally
23 filling a vacancy.

24 All members serve without salary. Sorry about
25 that. But you were reimbursed for your travel and per diem

1 expenses at the current rate for government employees. And
2 we do want to thank you for your time, but we can't pay you
3 for your time.

4 To facilitate the functioning of the Council,
5 we on occasion will establish subgroups or TRTs, as they are
6 often referred to. And many of you serve on those kinds of
7 groups, based on your interest, based on the need, based on
8 your time availability. And we use those to look at
9 normally selected issues that can then be brought back to
10 the Council for larger consideration based on TRT activity.

11 And the Council officers, as Ilene mentioned,
12 you are going to elect a new chairperson. You also have a
13 vice chair for this Council and you do that annually. Chair
14 persons and members of any subcommittees formed will be
15 appointed by the Council chairperson with the concurrence of
16 the District Manager or his designee.

17 Meetings of the Council or any of its
18 subcommittees may be called only by the District Manager or
19 their designee after consultation with Council Chairperson.
20 The designated Federal Officer required by FACA will be the
21 District Manager or their designee, who will attend all the
22 meetings of the Council and any subcommittees thereof. And
23 all Council and subcommittee meetings, including field
24 examinations, are open to the general public, including
25 representatives of the news media. Any organization,

1 association or individual may file a statement with or
2 appear before the Council and its subcommittees regarding
3 topics on a meeting agenda -- except that the designated
4 Federal Officer may require that presentations be reduced to
5 writing and that copies be filed with the Council.

6 And normally, I think unless it's a very
7 extensive kind of issue, we normally just have a public
8 comment period. There are two that are allowed for in the
9 next two days, one this morning to talk about or to bring up
10 issues not on the agenda, and one tomorrow afternoon which
11 will be sort of a closing comment period for the public on
12 things that were discussed during the agenda.

13 A notice of each meeting of the Council or any
14 of its subcommittees "normally" will be published in the
15 Federal Register and distributed to the news media serving
16 the district 30 days in advance of such meeting. And the
17 reason I sort of underscore "normally" is because we have
18 been running into some very long time frames, periods to get
19 Federal Registers approved through the department and over
20 to the Register to be published.

21 We normally like to have those notices out at
22 least two weeks prior to the meeting. For any of those of
23 you who were tracking, this particular one did not get out
24 until about a week before this meeting. However, the
25 notices that went out from the district office announcing

1 this meeting, its location, and sort of a draft agenda, I
2 guess, went out about three weeks ago. So at least the
3 public was informed in advance of this meeting, hopefully in
4 enough time so that they could be here.

5 The notices are designed to set forth clearly
6 and precisely the issues or topics to be discussed and
7 provide specifics on the place and the time for the public
8 to be heard. Council and subcommittee meeting agendas are
9 formally approved in advance. Basically, what we did with
10 this one is we worked with you, asking you for agenda items,
11 putting those into an agenda, working that through with your
12 chairman, and then bringing that agenda to you today. The
13 Council will normally meet two to four times annually, but
14 the requirement is no less than once annually. Additional
15 meetings may be called by the District Manager in connection
16 with special needs for advice.

17 The next item I think is somewhat important
18 because it talks about what you are required to be able to
19 do -- take certain action. The Council cannot elect
20 officers, adopt resolutions, take positions on issues, offer
21 advice or recommendations with less than 51 percent of its
22 members in attendance, or if no member is an elected
23 official of general purpose government serving people of the
24 District as required. So you must have at least one of your
25 elected officials here and more than half of your Council.

1 So if you have eight here, you should be okay.
2 We do keep detailed minutes of the Council meetings and
3 maintain a record of the members who are present, complete
4 and accurate description of the matters discussed, and any
5 conclusions reached. Copies of all documents received,
6 issued, or approved, and the accuracy of all minutes will be
7 certified by the Council chairperson. We do, of course,
8 have with us a notetaker, official reporter here that is
9 keeping the record of this meeting.

10 Estimated operations costs -- well, there is a
11 number in there. I don't know whether you are spending that
12 much each year or not.

13 As we talked, the Council's charter will
14 expire two years from the date it is initiated, unless prior
15 to that date it's rechartered by the Secretary of Interior
16 in accordance with the provisions of FACA. And again, this
17 charter was reviewed about two years ago. That has been
18 rechartered and is in effect.

19 I think it's important to point out some of
20 those charter issues.

21 You also have in your package what is called a
22 sort of decision description, I guess, for lack of a better
23 term, that is written specifically for the members of this
24 Council. It kind of goes through what your roles and
25 responsibilities are, although it builds on what is in the

1 charter.

2 MEMBER KEMPER: What is it called?

3 MS. HANSEN: "Position Description," and I
4 think it should be right there close to where the FACA and
5 other information is.

6 I would draw your attention down to the bottom
7 of that page where it says Council members, in addition to
8 requirements contained in the charter and the appropriate
9 Federal laws and regulations, are generally expected to
10 attend meetings and field trips that have been scheduled far
11 in advance and participate in public discussion of issues
12 during the meeting. Provide advice to the District Manager,
13 on an informal basis, on issues that arise between formal
14 meetings. Maintain up-to-date knowledge of issues affecting
15 the District.

16 Provide BLM District officials with opinions
17 and advice that represents the point of view of the category
18 represented by the Council member, the member's experience
19 and knowledge about the issue, and his or her reflection on
20 data presented to the Council by the public, BLM staff and
21 other sources.

22 Provide feedback at the Council meetings and
23 interaction with the BLM staff and managers to specific
24 interest groups. This is -- I think this is an important
25 element also because we do rely on you to represent those

1 folks that you are here to represent. And so getting
2 information back to them is as critical as bringing
3 information in to us.

4 Most Council members do represent a particular
5 group or point of view. Since members of the special
6 interest group cannot always attend these meetings, Council
7 members must be able to articulate issues to these groups on
8 the BLM's behalf, even if the BLM's view is different than
9 that interest being represented by the Council member.
10 Public or private groups need to know the BLM rationale for
11 decisions or actions. By the same token, BLM cannot attend
12 all meetings of the public land user groups, and utilizes
13 Council members as a conduit for two-way communications.

14 You are to attend committee meetings as
15 requested by the Council chairman and represent BLM's Desert
16 District, if requested to do so by the District Manager or
17 State Director. Okay.

18 So I guess at this time I would ask if there
19 are some questions or discussions about what your charter
20 says, what we anticipate of you, and what you anticipate of
21 us.

22 MEMBER KEMPER: Ron Kemper, renewable
23 resources.

24 I have a question and some comments, I think
25 fundamentally, and if I am incorrect, correct me early, if

1 you know.

2 My understanding of FLPMA, which is an act
3 passed by Congress, was that this Council was to report to
4 the Secretary of Interior.

5 MS. HANSEN: This Council does not report to
6 the Secretary. The nominations are made by the Secretary to
7 the Councils, but this Council serves as an advisory group
8 to the District Manager for the California Desert
9 Conservation Unit.

10 MEMBER KEMPER: Is that what FLPMA says?

11 MS. HANSEN: Yes, I believe so.

12 MEMBER KEMPER: I don't believe so. Do you
13 have a copy of it?

14 MS. HANSEN: FLPMA authorizes the Secretary
15 to establish Advisory Councils and set some parameters for
16 that -- not less than 10, not more than 15 members. And
17 maybe you can point me to where it says different.

18 MEMBER KEMPER: If I had the Act --

19 MS. HANSEN: There is a copy of this part of
20 it that talks about Advisory Councils in your packet.

21 MEMBER SMITH: Section 309.

22 MS. HANSEN: 309 is the section that talks
23 about Advisory Councils, and that's what you have.

24 MEMBER ANDERSON: With respect to the land
25 use planning classification potential and management

1 disposal of public land in the area for which Council is
2 established.

3 MS. HANSEN: It says may, and may be referred
4 to the Secretary. In the establishment of these Councils,
5 they have been set up -- yours specifically, was set up to
6 deal with the California Desert Conservation Area, and as
7 it's written in your charter, even though you are, again,
8 appointed by the Secretary, because it's a secretarial
9 authority which establishes these groups, you are reporting
10 to the District Manager.

11 MEMBER KEMPER: The reason that I bring this
12 up is that I think there was a lot of discussion previously.
13 And members of this board felt that it wasn't --
14 communication wasn't being passed on to the State Director
15 and also the people in Washington. And what I was going to
16 suggest for everybody's protection and for the benefit of
17 communication, which I think is always helpful in resolving
18 problems before they become problems, is that we forward on
19 a copy of our resolutions, whatever they are, not only to
20 the District Manager, but also to State and to Washington.
21 They may never read it, they may throw it away, but at least
22 we send it.

23 MS. HANSEN: The minutes of these meetings
24 and other information are forwarded on. They are put into a
25 web-based accessible place.

1 MEMBER KEMPER: Usually these two-day
2 meetings are lots and lots and lots of pages of meetings,
3 one-page, but at least we can send them.

4 MS. HANSEN: Sure. I don't have any problem
5 with that as far as moving them on. But I think the bottom
6 line also is that your focus here is what happens within the
7 CDCA, so your recommendations hopefully will be addressing
8 those issues and items for the CDCA. And so, you know, most
9 of that advice and recommendation is really to help us in
10 our management here locally and regionally. And that's why
11 I think we also have regional councils.

12 MEMBER KEMPER: And I understand and one of
13 the purposes for me to ask you to do this is really for the
14 protection of the District Managers and the different
15 people. I think there was a lot of passing the buck in the
16 last time around. We never heard that, we never knew that
17 was going on, and at least we can take that out of the
18 equation.

19 MS. HANSEN: Okay.

20 MEMBER ANDERSON: I just want to remind the
21 Council members when you are -- when we are discussing
22 things, please take the opportunity to use the microphone so
23 that our public can also hear. Ron, your head was turned
24 and the mike was over here.

25 MEMBER KEMPER: I apologize.

1 MEMBER SMITH: Paul Smith, public-at-large.
2 A number of the issues that come before us are quite
3 contentious, so in the past we have tried to resolve to deal
4 with issues and not with personalities. So I hope that that
5 can hold sway today and in our future meetings.

6 MR. CASEBIER: Dennis Casebier,
7 public-at-large. I have a bit of reaction to one thing you
8 said there toward the beginning, Linda, that has to do with
9 fashioning our resolutions so they can have a positive
10 result.

11 I have two problems with that. One is that,
12 as we get increasingly into this period of land management,
13 when much of land management is done by the courts. And I
14 think the events of the last six months show this to be
15 true. I don't think we always know what your discretion is
16 and you may not always be candid with us about that. I
17 think you need to be candid about it if you expect us not to
18 recommend something that you can't do.

19 MS. HANSEN: I would agree. I think that is
20 the inherent responsibility of the agency to share with you
21 everything that we can about those constraints and/or
22 requirements and/or policy issues that we have to address.

23 MR. CASEBIER: Second item is I think the
24 most valuable thing a group like this -- this group
25 represents really a vast experience and knowledge about the

1 desert -- can do for you is inform you of what's on the
2 minds of informed desert people. I have an organization
3 that has 800 people in it. We are very sensitive to the
4 desert. And I think you need to hear that whether you can
5 do anything about it or not.

6 So I think you are going to get resolutions
7 that you can't do anything about. And I think it is
8 incumbent upon us to give those to you. And that it would
9 give you a strength in dealing with these things that it
10 seems increasingly, because of a handful of radicals and a
11 Federal Court in San Francisco, you can't seem to do
12 anything about. I think that's our duty to do that.

13 And I think you would find yourself, then,
14 instead of defending yourself to us on those, use them as
15 ammunition as you try to fight this battle in the west that
16 we are in bad shape on right now. In fact, a lot of the
17 west is in smoke over it. And there is more catastrophes
18 coming down the way, and let it be known that I think it's
19 incumbent upon this group to inform you in the most candid
20 terms they can when they see those things coming. You don't
21 want to hide from what's really going on out there. What's
22 on the mind of people. There is a lot of frustration and
23 anger out there among the informed public. And you need to
24 hear about it, whether you can do anything about it or not.
25 And I'm here to tell you about it.

1 MS. HANSEN: I appreciate that.

2 MEMBER DENNER: Roy Denner, recreation. In
3 your introductory remarks you put the onus on this Council
4 to consider alternatives and not simply come up with
5 resolutions by emotion or whatever if I heard the message
6 correctly; that you expect us to consider all the options
7 and the position of the BLM in detail.

8 Frankly, I think we have done that to a large
9 extent in the past. I would throw that back in your lap and
10 say that the BLM has the onus also to consider options in
11 making decisions. And I have not seen that. You know, the
12 decisions that the BLM has made for the last two years have
13 been based on the pressure from lawsuits in Federal Courts
14 without a significant effort to find alternatives to get
15 around those decisions. And I can give you many, many
16 examples if you want to take up the morning listening to
17 them of where that has happened. The BLM has taken the easy
18 way out rather than to try to find an alternate approach to
19 solving the problem with public land use. And I'm here to
20 tell you if that continues, the legal activity you have seen
21 from that extreme group is nothing compared to what's coming
22 down the pike.

23 MS. HANSEN: I guess what I was hoping to
24 suggest is that these Council meetings are the place to have
25 that discussion. And that the Council brings with it a

1 great deal of background and experience, as you all have
2 pointed out, and can provide us with things to consider in
3 forming those options and alternatives.

4 And I would hope that through that discussion
5 with the Council members, that there would be a balancing of
6 those options and alternatives as we went through; that the
7 Council will be able to work collectively as a group to help
8 us find solutions and have a solution-orientation direction.

9 MEMBER DENNER: If I can respond to that. I
10 think the Council has been operating exactly as you are
11 describing the way you see that the Council should function.
12 We do have extensive discussions on various issues.
13 Unfortunately -- and I'm not going to use the word "ignore"
14 because you have told me and your predecessor told me that
15 you do not ignore the counsel. You just elect not to take
16 our advice.

17 And whenever there is a land use issue that we
18 address, the decision is obvious the way it's going to go to
19 most of these Council members. When we have votes of 10 to
20 2 on various issues, and the answer is simply the easy way
21 out, more closure, that's not in any way giving this Council
22 due credit. And I actually have to wonder what the function
23 of this Council is when land use issues are always decided
24 in the same way.

25 MS. HANSEN: Well, of course, this is my

1 first meeting with this Council, and so I don't have that
2 history. I have only seen what, you know, has been provided
3 to me since I have been in this acting position. And I look
4 forward to the rest of this Council meeting and seeing how
5 that all works for you. So with that, we will --

6 MEMBER ELLIS: Hi. I have a lot of concerns
7 on the functioning of the Council. I guess after the last
8 meeting, a lot of my concerns now have to do with, let's
9 say, what the Council represents as a group when we went
10 through these issues, or the responsibilities of the
11 Council.

12 There seems to be two levels of
13 responsibilities, and one responsibility was for the
14 individuals in the Council to make sure that their points of
15 view were expressed and that they receive and return to
16 their groups the BLM's point of view and also points of view
17 from other members in the Council. And I think probably
18 most of us do that pretty well.

19 The next level that I think last year we sort
20 of spent the year building up to was, what does the Council
21 do as a group? And what is the effect of resolutions passed
22 by the Council? And how do we behave with respect to that?
23 And how do we behave in arriving at those -- let's say,
24 those resolutions.

25 I didn't feel last year we didn't get very

1 much of an opportunity to have a discussion process. We
2 received a lot of information from the BLM. We had -- I
3 would think, abbreviated discussions around what we might do
4 as a group. We didn't really get any advice or guidance on
5 how we could maybe work together as a group functionally.

6 So the result was, I feel, we are a severely
7 divided Council now. I think that the perspective is that
8 we are going to pass resolutions. And I think that it's
9 going to be maybe my and some other responsibilities to make
10 sure that there is a minority point of view well expressed,
11 and that we continue to get all points of view out, and that
12 the passage of a resolution by the Council doesn't mean that
13 this is a unanimous process.

14 So I'm open to finding ways to function
15 collaboratively, but I am not sure that we are in a position
16 to do that at this point.

17 MEMBER KEMPER: I will keep my comments real
18 short. And my comments are not a criticism of past or
19 future. I just want to make you aware.

20 I don't believe in the entire time last year,
21 which was my first year on the Council, that the District
22 Manager or as a function of these Council meetings, was I or
23 any other member asked for our advice. In other words, we
24 were given lots of dog-and-pony shows. We were shown what
25 was happening and what was being done. But as an advisory

1 Council, I thought we were here to advise. And I can't ever
2 recall being ever asked to give advice. It was, "Here's our
3 dog-and-pony show and if you have comments, give them to
4 us." I guess we could be more helpful if we knew where you
5 needed help.

6 MS. HANSEN: Maybe a way to deal with some of
7 that and make sure that we do allow for that to be a part of
8 what we do each time at the Council meetings is to build
9 those pieces into our agenda. And as we put those issues
10 and items on the agenda, that we make sure that there is
11 something in there that allows you to help us make some of
12 those decisions and provide us that advice as we go through.

13 The rest of today -- this afternoon -- you are
14 going to be spending a lot of time listening and talking
15 about what is happening with the Western Mojave Plan
16 Amendment. We are in what we call sort of a scoping phase
17 on that now. It's preliminary to the draft. A lot of
18 background work has been done, and that's going to be shared
19 with you to help you get an understanding of where we are in
20 the process and what this plan is beginning to lay out for a
21 picture of that sort of the desert.

22 There is also a considerable amount of time
23 dedicated to the discussion of that this afternoon. And I
24 would hope that during that discussion period, that you
25 would be formulating as a group, you know, some of that

1 advice that you would like to give us. I think we would
2 like advice from this Council as to whether or not you think
3 we are hitting the mark with some of this planning effort
4 that is ongoing, and whether or not from your perspective as
5 representing your various interest groups, that this plan is
6 going to meet its objectives. And those objectives will be
7 given to you, I guess, as we go through the discussion today
8 what that plan needs to do.

9 As you all know, most of these plans are
10 designed to look at how we are going to manage the desert
11 tortoise in the California Desert Conservation Area. That's
12 sort of the impetus behind these amendments. And that is
13 something that we have to come up with a reasonable way to
14 do.

15 So hopefully, as we go through the discussions
16 today on the Western Mojave and as you hear about where we
17 are with other planning efforts, other plan amendments that
18 are also addressing those same kinds of issues, we will get
19 a picture as to whether or not there is some advice this
20 Council can offer us in moving forward with those.

21 MEMBER KEMPER: Do you ever foresee a time
22 when this Council might help you identify objectives?

23 MS. HANSEN: Yes.

24 MEMBER KEMPER: Thank you.

25 MR. CASEBIER: Dennis Casebier again.

1 As you go through these briefings today, I
2 would urge you to be candid with your people about where you
3 have flexibility and where you don't have flexibility. Be
4 candid about, yes, we know this is junk science. And we
5 know this is junk justice, but here is where we have
6 flexibility and here's where we don't have flexibility. So
7 that you don't have this distinguished group gathered here
8 together beating their heads against the wall when you have
9 no flexibility at all.

10 MS. HANSEN: I would ask managers that are
11 here today that are going to be talking about these agenda
12 items, and I will try to remember always to be as candid as
13 we can be about where we do have flexibility and don't have
14 flexibility as we go through the discussion of where we are
15 with these planning efforts. So thank you, Dennis. We will
16 try to do that to the best of our ability today.

17 MEMBER ANDERSON: This is Ilene Anderson.
18 And I have the dubious distinction of being the eldest
19 member of this Advisory Council. And I guess with respect
20 to my comments on the advisory Council and our interactions
21 and how we give recommendations to the BLM, I can't help but
22 look back at my experience over the Council and note that
23 when I first came onto the Council, the makeup obviously was
24 different of Council members. But I think that there was a
25 commitment on parts of the Council members at that time to

1 help to educate each other with regards to what the issues
2 were and their perception of the issues. And there seemed
3 to be a lot more interaction between the members in
4 discussion of issues, both at the Council meetings, as well
5 as outside of the Council meetings. And I think that was
6 very beneficial.

7 And certainly, I would encourage all of us to
8 have more dialogue and try to have a better understanding of
9 what the other people's positions are on the Council and
10 what their issues are and really use some creative thinking
11 on how to resolve this. Because quite frankly, I'm
12 reluctant to support any resolution to the BLM that is
13 basically outside the limits of the laws of the land. And
14 some of the recommendations that I think we have given in
15 the past have been that way. There is nothing that the BLM
16 could do to implement them.

17 And I understand the frustration and the want
18 to represent different constituencies and let the BLM know
19 that there is unrest out there. But I still don't know how
20 passing a resolution that the BLM simply can never act on is
21 really beneficial.

22 MEMBER KEMPER: Ron Kemper, renewable
23 resources.

24 Maybe passing a resolution that the BLM
25 doesn't believe they can act on today is a resolution of

1 frustration. But I don't know that any one of us are
2 qualified to decide what is legal and what isn't legal.

3 MS. HANSEN: I guess what perhaps we can help
4 you with as an agency is to tell you what we know the
5 requirements are in terms of legal requirements that we have
6 in front of us as we go through some of those decisions, if
7 that would be helpful.

8 MEMBER BETTERLY: I'm Bill Betterly,
9 public-at-large.

10 There is a lot of things that I believe the
11 bureau in the past, in my opinion, felt were their format
12 and legal that have turned out to be just absolutely 180
13 degrees from where that point was. And it was this Council
14 that brought a lot of those things to their attention. And
15 we were just kind of shut down.

16 And I think it's a good example in Colorado
17 and Arizona today of recommendations of five years ago. And
18 I, for one, don't really care whether it's at some point a
19 legal resolution or not as long as the information gets to
20 the bureau of the public's feeling. And I don't want to
21 sound like I'm against anything or for anything, but I think
22 you need to know what the public is talking about.

23 MR. CASEBIER: I would like to make one more
24 comment about all that and whether it makes sense to make a
25 resolution that may or may not be legal.

1 I take note that the Senate of the United
2 States voted 99 to nothing against a law. And they were
3 thereby able to express their view on that before however
4 many millions of people that are in the United States. So
5 we might take a card from their book, and I think maybe they
6 have distinguished that process for us. And I note that
7 with pleasure that we did get to say the Allegiance to the
8 Flag here this morning, and I hope this isn't the last time.

9 (Applause from the audience.)

10 MEMBER DENNER: I guess I take issue with
11 the concept that this Council has made resolutions that are
12 outside the limits of the law. I think it's selling the
13 qualifications of the Council members short.

14 I could go back and enumerate all of the
15 resolutions that have been made in the last year, and there
16 are ways that the BLM could have responded to every single
17 resolution we have passed within the limit of the law.
18 However, the easy way is to say, under FLPMA and other
19 Federal laws, we are going to take the easy way out and say
20 we can't respond to this.

21 With a little bit of work and effort and
22 considering alternatives, as we have been admonished to do,
23 the BLM in every single case -- and I would be happy to go
24 over those resolutions and review what options the BLM could
25 have taken within the letter of the law and resolved the

1 conflict.

2 MEMBER ANDERSON: Any other questions?
3 Discussion?

4 MEMBER ELLIS: I noted that I haven't seen
5 this charter before, but I notice that it only lasts for two
6 years. Does it get automatically renewed? What is the
7 process there? I also notice that it only indicates one
8 representative for recreation. It doesn't quite match what
9 we seem to have here. So what is the process?

10 MS. HANSEN: The charter is renewed through
11 the Secretary's signing off and saying that the charter is
12 renewed. The review of that supposedly is set up to occur
13 every couple of years. So this charter currently has been
14 rechartered as it is, and you are good to go.

15 I don't know, Duran, is that for -- when will
16 be next review period come up?

17 MR. SANCHEZ: The end of this year.

18 MS. HANSEN: So the end of this year it would
19 be due for review again and recharter.

20 I think the makeup in the charter of the group
21 calls for certain elements to be there and for you to have
22 that represented on your Council within the 15 members. The
23 only real constraint you have there is that you must have
24 the one elected official as part of your group and the rest
25 of that array of interests and needs have to be covered

1 through the remainder of the membership on the Council. I
2 don't think that it is an issue that you have to two votes
3 representing recreation and two votes representing
4 environmental interests. You can do that within the
5 15-member makeup as long as you cover those areas.

6 MR. CASEBIER: As I read it, it says in
7 addition, at least one member will be qualified to represent
8 and provide advice on each of the following categories of
9 interest, and I believe you have that.

10 MS. HANSEN: I would agree.

11 MEMBER KEMPER: It looks like we are winding
12 this portion down. I want to say we are really looking
13 forward to meeting with you and getting some things done.

14 MR. CASEBIER: We are a real lovable group.

15 MS. HANSEN: I can be too, even though I am
16 Irish. I really do look forward to -- despite the fact that
17 Roy and I have had some of these sorts of discussions about
18 what we do or don't do with resolutions -- I am looking
19 forward to the time I have to work with the Council here. I
20 have enjoyed my experiences with Councils in the past. And
21 I can't imagine that this would not be as enjoyable. So I
22 look forward to the challenge.

23 MEMBER LEIMGRUBER: We may surprise you.

24 MEMBER ANDERSON: Let's move on to the next
25 agenda item, which is the election of officers, a

1 chairperson and a vice chairperson. And in the past this
2 has been done fairly informally, with nominations, seconds,
3 and votes. So with that, I open the nomination for
4 chairperson.

5 MEMBER ELLIS: I would like to nominate Paul
6 Smith for chairperson.

7 MEMBER LEIMGRUBER: I would second that
8 motion.

9 MEMBER BETTERLY: Having an attorney as a
10 chairman? Oh, man.

11 MEMBER DENNER: I would like to nominate Ron
12 Kemper.

13 MEMBER CASEBIER: I would second it.

14 MEMBER ANDERSON: Okay. In the past we have
15 had uncontested chairpersonships, and usually how we do
16 this, then, is everyone is able to cast a secret ballot by
17 writing their vote on that, unless there are additional
18 nominations, which is always an option. But if not, we will
19 proceed with that. And then I think -- I don't recall in
20 the past because oftentimes we haven't had a contested
21 chairpersonship, so I'm not sure. Duran, have you counted
22 these in the past?

23 MR. SANCHEZ: Yes.

24 MR. CASEBIER: Is there an opportunity for
25 discussion of the form that the people nominated might make

1 a statement about what they bring to the office?

2 MEMBER JOHNSON: Certainly, there is that
3 opportunity.

4 MEMBER KEMPER: I believe Paul was the first
5 nominee.

6 MEMBER SMITH: First off, I think if Ron wins
7 this, we will be well led, so I'm not concerned with
8 anything there.

9 I think the only thing I would bring to this
10 is I'm a representative of the public-at-large. And again,
11 I would do my best to encourage people to be cordial and
12 friendly so this can be an enjoyable experience, even though
13 we know there are going to be some serious issues dealt with
14 in a contentious way. So I'm an issue-oriented person.

15 MEMBER KEMPER: I also believe that Paul
16 would be a very good choice, and I would be happy to support
17 him as chair, as well.

18 What I bring to the table is kind of a wide
19 range of life experience as a problem solver and bringing
20 resolution, helping people make hard decisions. So if the
21 Council chooses for me, I will do my best.

22 MR. BETTERLEY: Madam Chair, do we need a
23 motion to close the nominations and vote?

24 MEMBER ANDERSON: Yes.

25 MEMBER BETTERLY: I will so move.

1 MEMBER ANDERSON: A second?

2 MEMBER LEIMGRUBER: I second that motion.

3 MEMBER ANDERSON: Okay. Everyone please cast
4 your ballots and Duran will pick them up, I suppose.

5 In the past, generally if there has been a
6 contended chairperson selection, the other nominee has
7 automatically defaulted to the vice chairman. And I don't
8 know if that's the pleasure of the Council. If you would
9 like to have additional, another nomination.

10 MEMBER LEIMGRUBER: Madam Chair, I would
11 continue with that same format. I see no problem in having
12 that take place.

13 MEMBER BETTERLY: Is that a motion?

14 MEMBER ANDERSON: Second? All in favor?
15 Opposed? And any abstentions? That was the unanimous vote.

16 MS. HANSEN: Sounds like we need some
17 entertainment here. At least a tick-tock of the clock like
18 they used to do on some TV shows.

19 MEMBER LEIMGRUBER: One thing I do know, and
20 that's that we are staying on time. And that is always
21 something to look forward to.

22 MEMBER ANDERSON: You know what? I will take
23 the opportunity, then, to make an announcement. As the
24 Council knows, I had the opportunity as chair to go up to
25 the State Management Team Meeting, and I have a folder here

1 of information that was presented at that meeting for the
2 Council members. So if you would like to take a look at
3 that, please feel free to do so.

4 Okay. We have the official vote. And that is
5 4 for Paul Smith and 7 for Ron Kemper. So Ron, welcome as
6 our new chairperson. And Paul, welcome as our new vice
7 chair.

8 (Applause from the audience.)

9 CHAIRPERSON KEMPER: Thank you. And Paul
10 and I will be working closely together, I'm sure.

11 Just a short item. I think last year we tried
12 to run by Roberts Rules of Order. And if that's agreeable
13 with everybody, we will try to continue. I would ask the
14 Council to give some thought to possibly a parliamentary
15 so we can keep things on track and move on quickly.

16 MEMBER ANDERSON: I believe that last year,
17 Wally, hadn't you agreed to act as parliamentary? And
18 would you be willing to do so this year, as well?

19 MEMBER LEIMGRUBER: Yes, I would do that in
20 that capacity. If there are any others that wish to do
21 that, may they please step forward and say their piece now.

22 CHAIRPERSON KEMPER: Do we need a motion and
23 second for Wally as parliamentary ?

24 MEMBER SMITH: So moved.

25 MEMBER ANDERSON: Second.

1 CHAIRPERSON KEMPER: Any discussion. All in
2 favor, aye? Any opposed? Motion carries by unanimous vote.

3 MR. BETTERLEY: We have a new member that has
4 just come, and I think it would be good to introduce her to
5 us and to the audience.

6 CHAIRPERSON KEMPER: Absolutely, if you
7 would, please.

8 MEMBER FERGUSON: Jeri Ferguson. I really
9 want to apologize for being late. I just flew in from
10 Columbus, Ohio, and I didn't realize there was construction,
11 so I apologize.

12 CHAIRPERSON KEMPER: While we are on the
13 election of officers -- and I realize it's a slight
14 deviation -- but I would ask that the Council would think of
15 the possibility of having a communications secretary that
16 would keep track of the resolutions at the end of the
17 meetings and have them disseminated amongst the members so
18 it would help relieve BLM of some of the labor. And we can
19 get the information out quickly to each other. If that's
20 something that you would like to consider, I would like to
21 hear some discussion and possibly a motion.

22 It wouldn't be for the purposes of keeping
23 minutes, but simply getting the resolutions at the end of
24 the meeting and making sure that they got out to all the
25 interested parties.

1 MEMBER ANDERSON: My feeling is that at least
2 in the past meetings, those resolutions have been
3 encapsulated at the end of the meeting so we were all clear
4 on what the resolutions were as well as the -- which was
5 done by the District Manager, actually -- as well as the
6 laundry list, if you will, of what the BLM needed to do for
7 the Council.

8 CHAIRPERSON KEMPER: You are right. It is
9 recorded by the District Manager in the minutes. What I was
10 hoping to have accomplished was what we had discussed
11 earlier where not only the District Manager would have a
12 copy of the resolutions from this Council, but also the
13 State Director and the Secretary's office. And that would
14 really be the only reasons for it. But at least it would go
15 out immediately. It's just a thought.

16 MR. CASEBIER: In the scope of my experience,
17 Mr. Denner has done that on an ex officio basis. I believe
18 I would make a motion that he be frocked.

19 MR. BETTERLEY: I would second that.

20 MEMBER DENNER: Some people never learn their
21 lesson, do they?

22 CHAIRPERSON KEMPER: We have a motion and
23 second. Do we have any discussion?

24 MS. HANSEN: If I could make a comment?

25 CHAIRPERSON KEMPER: Please.

1 MS. HANSEN: There is a formal process, of
2 course, as you know, for submitting recommendations and
3 those do come through the district to the State Director or
4 the Secretary. So I would just caution that even though you
5 certainly have the right to send these to whomever you would
6 like to, that to formally be addressed and considered, that
7 is the process.

8 CHAIRPERSON KEMPER: Thank you. We have a
9 motion and a second. Any more discussion?

10 MEMBER ELLIS: Yes. I think in part to try
11 to resolve some of this, we did ask Tim Salt to perform that
12 function last year. I'm not sure that the new proposal here
13 provides the opportunity for all of us to see what is being
14 said in our name.

15 So in the last year, Tim would have made some
16 sort of notes, and there would be a verbal recap at the end
17 of the meeting. So are you envisioning, then, that some
18 review of this would be then sent to all the Council members
19 before any public thing was done with it? And how would --
20 would there be a role for the BLM staff in this process at
21 all?

22 CHAIRPERSON KEMPER: What I had envisioned
23 was the resolution itself and the voting record.

24 MEMBER ELLIS: But my question had to do
25 with, do we get to review that as a group before it gets

1 sent somewhere to see that we all concurred that what
2 happened, happened.

3 CHAIRPERSON KEMPER: I believe as we did in
4 the previous meetings with Tim Salt, he would give us the
5 resolutions at the end of the meetings, and we would all
6 agree or disagree and discuss at that point and make
7 whatever changes needed to be done. And then we would also
8 include the voting record. So it was -- you know, it was
9 clear, there wasn't dissension in the process or in the
10 decision. Does that answer your question? That's what I
11 envisioned.

12 MEMBER ELLIS: Would it go out under your
13 name as chairperson rather than as Roy's name as an
14 unofficial corresponding secretary, or how would this
15 process work?

16 CHAIRPERSON KEMPER: I think it would go out
17 under Roy's signature as a corresponding secretary. But it
18 certainly -- the minutes would reflect whether or not it was
19 correct. And as long as the voting record accompanied it, I
20 think everybody would be covered.

21 MEMBER SMITH: I just question the need for
22 this. Could you elaborate a little bit on the need for
23 this?

24 CHAIRPERSON KEMPER: Paul, I think last year
25 there was a lot of people who felt like they had resolutions

1 that simply died at the District office and there were
2 people that went back to Washington, people that went to the
3 State level, and people in those offices said that they had
4 not heard some of the resolutions, some of the discussion
5 that was being given to them. It was news to them.

6 Going back to FLPMA and the requirement for
7 this Council to report to the Secretary, all I'm trying to
8 do is make sure that all the lines of communication are open
9 and that we take that gap out of the process. And also, I
10 think we all have people here on the staff that we work with
11 and we have a lot of respect for, and we don't want to see
12 them get trapped in the middle, as well.

13 MEMBER ELLIS: I guess what I would hope is
14 that possibly you could amend the motion. And I am just
15 going to throw this out. And I would feel more comfortable
16 if that process was assigned by the chairperson as opposed
17 to an official that is not part of the charter of this
18 group.

19 CHAIRPERSON KEMPER: I don't know that the
20 motion ever designated who was assigned. You simply asked
21 what I envisioned. I'm not the maker of the motion. Ilene.

22 MEMBER ANDERSON: I guess my feeling is --
23 Paul touched on my feeling, which is I don't really know,
24 in light of the Linda's comments that it isn't an official
25 channel for recognition; that the actual minutes from the

1 meeting are the appropriate channel for getting our
2 resolutions heard at higher levels in the BLM, I question
3 why we are doing this, especially in light of the fact that
4 any one of the Councilpersons could submit those type of
5 comments to those -- at those levels for consideration. It
6 seems to me like that would carry the equal amount of weight
7 as having this organizational structure put in place. And,
8 you know, I just don't really understand, still, the
9 effectiveness of it, I guess.

10 CHAIRPERSON KEMPER: There was some
11 discussion about amending the motion to show who would sign,
12 and that it be the chairperson rather than the secretary or
13 the maker of the motion. If the maker of the motion would
14 like to amend their motion to that, I don't have any
15 problems with signing it.

16 MS. HANSEN: Mr. Chairman, what I could
17 perhaps offer is that as resolutions are formed and agreed
18 to by this Council during your meetings, we could provide a
19 mechanism by which those resolutions could be put into the
20 form by the end of that meeting that would allow you to sign
21 those with the concurrence of the Council during that
22 meeting, and they could be officially forwarded through the
23 channels as a separate record, apart from even your minutes.
24 But it would be then a physical evidence coming from your
25 meeting as recommendations would go forward. If that would

1 be helpful, I'm sure that could be arranged.

2 CHAIRPERSON KEMPER: I think that meets the
3 spirit of the motion, if I'm not mistaken.

4 MR. CASEBIER: If I'm the one that made the
5 motion, I would accept that.

6 MR. BETTERLEY: I seconded it, and I will
7 accept that.

8 CHAIRPERSON KEMPER: We have a motion and
9 second. Any more discussion? Hearing none, all in favor.
10 Aye? Any opposed.

11 MR. ELLIS: I'm opposed.

12 CHAIRPERSON KEMPER: Let the record show how
13 many people do we have.

14 MEMBER ANDERSON: I have a question,
15 actually, and I'm sorry. Can I just have the motion
16 restated?

17 (The record was read as requested.)

18 MEMBER ANDERSON: My understanding was
19 that -- that was that the BLM would formulate that. I want
20 to be clear on what we are voting on here.

21 CHAIRPERSON KEMPER: I think we need a little
22 assistance from our parliamentarian to clarify this mess.

23 MEMBER LEIMGRUBER: Well, the actual motion
24 was given that the author or the maker or Roy Denner keep
25 secretarial notes and the maker of the motion wanted that

1 distributed among the Council members. After that was over,
2 the motion was seconded. And then it came back to where it
3 wasn't the letterhead or the signature of Mr. Denner; it
4 would be the signature of the chairman. And that second
5 occurred, and that's the understanding that I took on that
6 issue.

7 MEMBER ANDERSON: Then there was Linda's
8 discussion that making those resolutions encapsulated at the
9 end of the meeting was what was going to be signed by Ron as
10 the chairperson and forwarded through the BLM channels as a
11 separate set of -- it would be included in the minutes as
12 well as being a separate sort of resolution recommendations
13 forwarded up the chain of command. Is that what we are
14 voting on? Is that what the motion was we were voting on?

15 MEMBER LEIMGRUBER: Yes. That is it, Irene.

16 MEMBER FERGUSON: I have been sitting at the
17 Desert Advisory Council meetings for probably four or five
18 years now, and these motions always seem to be an issue.

19 In other organizations and people that I have
20 seen to do things, if you had a written form and wrote your
21 motions out and had them signed, and then it would be very
22 explicit on what is being said, done, and who did it. I
23 think that would help this process out a lot because it
24 seems everybody goes back and forth so much on who said
25 what, when they said it. And if the actual motion maker

1 would write out their motion, it would be a lot clearer.

2 And there are forms available to do that.

3 CHAIRPERSON KEMPER: Roy.

4 MEMBER DENNER: By way of clarification -- do
5 I understand at this point that there will be no
6 corresponding secretary; that the BLM will prepare this set
7 of resolutions to be forwarded up the line with the
8 chairperson's signature? Correct?

9 CHAIRPERSON KEMPER: That is not the way I
10 understand it.

11 MS. HANSEN: No. I was not suggesting you
12 couldn't have a corresponding secretary. I was merely
13 offering an opportunity where the agency might be able to
14 assist the Council by providing them with something they
15 could see before they left here that would have your
16 resolution written on it.

17 CHAIRPERSON KEMPER: I think what Linda was
18 offering us was a vehicle that she felt would achieve what
19 our desires are.

20 MEMBER DENNER: I guess I don't understand
21 what my function would be. At the end of the meeting the
22 BLM will provide a summary of the resolutions made and the
23 wording and the Council will approve them for the chairman's
24 signature to be forwarded, what is it that I am doing?

25 CHAIRPERSON KEMPER: Actually, I believe you

1 are keeping the record of the resolutions and we will get
2 together with the BLM at the end of the meeting and all come
3 to an agreement and move it up the line.

4 MR. CASEBIER: Now, I felt the concept of
5 tracking, that you would be appointed as a corresponding
6 secretary to track what happens to these and to communicate
7 them to other agencies as needed. Wasn't that in the
8 initial discussion?

9 CHAIRPERSON KEMPER: I think the purpose for
10 a communicating secretary is to make sure that we have a
11 good line of communication.

12 MR. CASEBIER: Between who?

13 CHAIRPERSON KEMPER: I think between the
14 Council and the BLM, not only at the District Office but the
15 State Office in Washington.

16 MR. CASEBIER: That's what we talked about
17 initially was that there would be a communications flow from
18 us, not just to the District Office but where? Outside of
19 the District Office? Outside of BLM?

20 CHAIRPERSON KEMPER: I think that would be up
21 to this Council to determine.

22 MR. CASEBIER: Because what I keyed on was
23 that Ron kind of does that now. He tracks these. And I get
24 updates from him once in a while on where they all stand.
25 But I'm hearing an interest in the Council communicating

1 elsewhere about these. And I happen to be a believer that
2 when you are talking about the conduct of public business,
3 you can't communicate too much.

4 CHAIRPERSON KEMPER: Well, and maybe one of
5 the reasons is a selfish reason. I think all of us go back
6 and make reports to constituencies, and if we had a set of
7 resolutions, we can also give it to our constituencies.

8 MR. CASEBIER: That would be a task of the
9 communicating secretary?

10 CHAIRPERSON KEMPER: It would be his job to
11 get it to us. I think we would restrict it to our own
12 constituents.

13 MEMBER ANDERSON: I would just like to say
14 that I already do that with resolutions. I mean, they are
15 part of the public record, and it's in the minutes and
16 that's what I communicate forward to my constituents.

17 MEMBER SMITH: Linda, if we vote against
18 this, will you be able to just voluntarily process our
19 resolutions the way you described? It seems to me that that
20 would solve the problem.

21 MS. HANSEN: I would be glad to volunteer the
22 agency to provide the written context of your resolutions at
23 the end of every meeting so you could have those when you
24 left the door without either this motion or any other.

25 CHAIRPERSON KEMPER: Any more discussion?

1 MEMBER ELLIS: Ron, did we not vote already?
2 CHAIRPERSON KEMPER: No.
3 MEMBER LEIMGRUBER: We haven't voted.
4 MEMBER ELLIS: I thought we counted.
5 MEMBER LEIMGRUBER: We just clarified the
6 motion, Bob, and we have not voted as of yet.
7 MS. HANSEN: We voted and it passed.
8 MR. CASEBIER: With one vote against --
9 MEMBER BETTERLY: With one vote against and
10 all the rest voted for. Then Ilene wanted to talk about it.
11 CHAIRPERSON KEMPER: I believe we have been
12 corrected. I believe there actually has been a vote, and I
13 believe it was 10 to 1. 12 of us here. 11 to 1.
14 MEMBER ANDERSON: I actually abstained
15 because I was unclear on the motion, and I should have
16 spoken prior to the vote being taken but I didn't.
17 MR. DANNA: There are 12 members here.
18 CHAIRPERSON KEMPER: 12 members, 10 yeses, 1
19 no, 1 abstention. And I will ask the parliamentarian to do
20 a better job of keeping me on track next time.
21 MEMBER ELLIS: Before things fade away, can
22 someone write this down, like the parliamentarian or the new
23 secretary or whoever it is and maybe we can get a reading of
24 it?
25 MEMBER FERGUSON: Can we do the writing of

1 the motions from now on?

2 MR. DANNA: I was just going to ask, can the
3 maker of the motion please write it out for me? I am not
4 sure I understand what it says exactly.

5 MR. CASEBIER: Well, I made the motion and
6 I'm not sure either. But I will write something down. I
7 might need to get with you for a minute. Make sure we are
8 writing down the task that you want to perform.

9 MEMBER BETTERLY: We are going to have a
10 break in just a minute.

11 CHAIRPERSON KEMPER: I think we have somebody
12 that wants to make a motion. Are you making the motion that
13 all the motions be in writing?

14 MEMBER FERGUSON: I would like to make that
15 motion, yes, and I will write that motion out.

16 MEMBER DENNER: I will second it.

17 CHAIRPERSON KEMPER: Who is the second?

18 MEMBER DENNER: I am.

19 CHAIRPERSON KEMPER: Roy Denner is the
20 second. Any discussion?

21 MEMBER FERGUSON: The only thing I have to
22 say is I have a form already prepared. I can change it for
23 the Desert Advisory Council. So we will have forms for the
24 next meeting or tomorrow, even. I can do that tonight.

25 CHAIRPERSON KEMPER: Any more discussion?

1 MS. HANSEN: Jeri, is that available in
2 electronic format?

3 MEMBER FERGUSON: Yes.

4 MS. HANSEN: Could I ask that you provide
5 that to us?

6 MEMBER FERGUSON: I don't know if I can get
7 it in electronic format by this weekend, but I will get it
8 as soon as possible.

9 MS. HANSEN: For the next meeting.

10 CHAIRPERSON KEMPER: Any more discussion?
11 Hearing none, we have a motion and a second. All in favor.
12 8. Any opposed? Hearing none, the motion carries.

13 MEMBER DENNER: Comment, Mr. Chairman?

14 CHAIRPERSON KEMPER: Yes, sir, Mr. Denner.

15 MEMBER DENNER: I think the idea of writing
16 these motions out resolves all of the conflict because my
17 job then will be to specifically word for word reproduce the
18 motions that people make directly from the motion maker.
19 And my job will be to see that that information is
20 communicated so it can't possibly be tainted by my
21 particular extreme point of view.

22 CHAIRPERSON KEMPER: The next portion of the
23 meeting will be for public comments. I think we usually
24 have public comment slips, though I haven't seen any up
25 here.

1 MEMBER LEIMGRUBER: Mr. Chair, this room is
2 getting rather cool, and I didn't bring my jacket up to this
3 high desert, but maybe I should have. If the majority of
4 the folks here are getting pretty chilled, we could perhaps
5 turn some of this air down, or actually turn it up.

6 MS. HANSEN: The detriment of that -- because
7 I already asked that question -- is when it goes off, it
8 goes off for the weekend, so the air conditioning is off.

9 MEMBER LEIMGRUBER: Okay. So we will begin
10 to warm up here.

11 MEMBER BETTERLY: This afternoon you are
12 going to fight like hell to get the temperature up.

13 CHAIRPERSON KEMPER: This is the public
14 comment area for items not on the agenda. And I apologize
15 if I slaughter anybody's last name. Chuck Mobley with the
16 ASA..

17 MR. MOBLEY: Good morning. My name is Chuck
18 Mobley, M-o-b-l-e-y.

19 First of all, I want to let the Council know
20 that the public expects you to consider issues whether you
21 feel they are legal or not.

22 Ron, I want to congratulate you on your new
23 position, and I ask that you please respect the citizens
24 equally that comment. And most citizens aren't eloquent
25 speakers, and they can't always get their thoughts in in the

1 limited amount of time they have.

2 And then I ask that you let them at least
3 finish their thought and get their point across before you
4 cut them off and be fair at that, and as opposed to the last
5 person that was in that job.

6 Another thing is someone mentioned, I think it
7 was Mr. Ellis, that there is a division among the Council.
8 And from my visits to the DAC, the division is usually
9 tended to, which is a pretty good division, compared to most
10 councils. So the public, I'm sure, doesn't see that
11 division. You guys are doing a good job.

12 CHAIRPERSON KEMPER: Thank you, sir.

13 John Dalgleish?

14 MR. DALGLEISH: John Dalgleish,
15 D-a-l-g-l-e-i-s-h. I just have a brief comment first.

16 Congratulations, Ron, on your victory. You
17 may or may not see it as that. But in the handouts, on the
18 front table, we have given one on the California Wild
19 Heritage act. I see nowhere on the agenda for it to be
20 discussed, so I figured this was the right time.

21 I think the Council should definitely oppose
22 it. I think there is more than enough wilderness area
23 already set aside in the desert. Until such time as
24 dedicated off-road recreation areas are established, no more
25 wilderness areas need to be established. All I have ever

1 seen is the establishment of wilderness areas, which take
2 recreation opportunities away from people and give back to
3 very few people. Thanks.

4 CHAIRPERSON KEMPER: Thank you, sir. Vicki
5 Warren.

6 MS. WARREN: Vicki Warren, W-a-r-r-e-n. A
7 couple things.

8 First of all, you were talking about notices
9 earlier and timely notices. Two days ago I received a
10 notice. I didn't bring it with me, so I'm not positive. I
11 receive a lot of notices. And I believe it was on the WEMO
12 meetings. The last time to comment on these meetings was
13 two days after I received it. It was dated April 12th. And
14 I only received it two days ago.

15 And quite often I don't receive anything,
16 although I'm on everyone's mailing list so that I make sure
17 I do get it. But there are a lot of times that somebody
18 comes up with a notice that I certainly should have been
19 part of.

20 Surprise Canyon is one. I have e-mailed, sent
21 letters, phone calls that I want to be on that list. So I
22 don't know if there is a keeper of the lists, of the public
23 lists? How do we make sure this kind of thing doesn't
24 happen anymore. Is there a way to do that?

25 Is there some way that as our representatives,

1 you can ensure that we become more involved and that these
2 things aren't -- we hear the same apology at every meeting,
3 I guess is what I am trying to say. I don't want to hear
4 the same apology again. I want to have it taken care of.

5 You talk about balancing among the members and
6 the resolutions that are passed. And I don't want to keep
7 going over what happened in the past. It was a bad
8 situation. We were quite often -- not ignored, I guess
9 that's not the right way to say it. But quite often it was
10 chosen not to listen to what was passed by the Desert
11 Advisory Council.

12 We need to make sure this doesn't keep
13 happening. These people were appointed by the people that
14 represent other groups. They were appointed by the general
15 public. And it's arrogant to say to us that we are going to
16 listen to you and then we are not going to do anything about
17 it because we have decided it's not valid. If it's a 10 to
18 2 vote, then it's a 10 to 2 vote. But that means that those
19 10 people are representing the people out here, who have
20 decided that's how they want it.

21 And the BLM and the Desert District Manager,
22 they don't have the right to ignore what the people have
23 asked for. And I'm sorry, I shouldn't say "ignore." They
24 don't have the right to say, I choose not to validate that.
25 It's already happened. I know that you weren't here for the

1 last ones, but in December you had the opportunity. You
2 have come on since then. You have had the opportunity since
3 December to deal with those resolutions, and those were all
4 chosen not to deal with that. We have to make sure it
5 doesn't keep happening. It's not right to ignore the
6 appointees and the things that are passed by this Council
7 because we are the people who appointed this Council.

8 The only -- I guess that's all I have is
9 except that the last meeting in December, I ended it on kind
10 of a bad note. Something that I was bringing up was not
11 clarified and it was misunderstood what I was trying to say.

12 Ilene Anderson received a copy of my letter
13 that I wrote two days after that meeting. The rest of you
14 did not. It was sent to Tim Salt's office. I was promised
15 that it would go to the rest of you. It's a letter that I
16 wrote. I have a copy there. It's e-mailed to Ilene.
17 That's the only reason I would like to put it into the
18 record. I'm sure you remember how we ended. I don't want
19 to it to be that way again. So I'm going to put it in the
20 record now.

21 CHAIRPERSON KEMPER: Thank you, Ms. Warren.

22 MS. WARREN: Thank you.

23 CHAIRPERSON KEMPER: Gerry Hillier with San
24 Bernardino County.

25 MR. HILLIER: Good morning, members of the

1 Council. And congratulations, Ron, on your election of
2 chairman. You follow quite a line of very distinguished
3 people who have occupied that chair, and I wish you luck for
4 the next year or so as you serve as chair.

5 CHAIRPERSON KEMPER: I suspect I will need
6 it.

7 MR. HILLIER: No, it's a fun job. Having sat
8 for a year or two in the chair next to the chair, there was
9 a couple of things I wanted to say, even without my San
10 Bernardino County hat on. And then one thing I wanted to
11 add for -- there with my official hat.

12 First off, I arrived as you were discussing
13 the charter. And as I say, having sat in that chair for a
14 year or two there are a couple of things from a historic
15 standpoint, or operational standpoint that I think bear
16 repeating.

17 One of them is, of course, the Council is
18 advisory, not legislative. And I think all of the members
19 know that; some of the public may not or may not appreciate
20 that distinction, but it is advisory. And as the charter
21 says, it's advisory to the District Manager. And my
22 experience in dealing with the Council both in an official
23 capacity and for the last ten years in an unofficial
24 capacity is the Council really can take any position they
25 want to, and even direct that their positions be forwarded

1 on to the congressional delegation or a variety of other
2 people and that's entirely appropriate.

3 But they ought not to overlook the basic
4 function, and that is to advise the District Manager, and
5 that is their primary function. And the bureau can accept
6 or reject those recommendations as they have to to comply
7 with law and regulation. And sometimes the Council may give
8 them advice that they can't take because of other issues.

9 And the Council, though, does deserve that
10 feedback when the bureau has to make a decision that's
11 contrary to what the Council has recommended. They owe you
12 that explanation as to why they decided what they did.

13 Second, I want to say just a word about
14 composition. The composition of this Council hasn't changed
15 since 1977, when it was established under the California --
16 under the Federal Land Policy Management Act and the
17 California Desert Conservation Area establishment in Title 6
18 of that act. The fact that there is two recreation people
19 has been fairly consistent. The only change is that
20 currently, I think we've got Roy Denner and we've got Jeri
21 Ferguson there both representing what some might view as
22 off-road vehicle interests. And historically, up to this
23 point, the second had been a rockhound and all.

24 But we have two renewable resource people, and
25 we have had continuously, one person representing grazing

1 interests, as you do, and another person representing
2 botanical interests. And that almost continuously has been
3 a representative of the California Native Plant Society,
4 which Ilene represents. So having two people in one of
5 those categories is not unique.

6 There are six at-large representatives, and
7 what has evolved over time with those at-large
8 representatives is that was a way to achieve geographic
9 balance and get people who might not otherwise be
10 represented. Residents, things like that. And one of those
11 at-large positions has evolved into a position for Native
12 American interests. So even though Native American
13 interests are not named specifically on the Council, I think
14 it's kind of unstated that one of those is on the Council.

15 Now, trading my personal hat and historic hat
16 for the San Bernardino hat, I wanted to share with the
17 Council an item of news, really. That this morning,
18 Congressman Rodonovich from the Fresno area on behalf of a
19 group of congressmen has introduced HR 5053, which is called
20 the Property Tax Endowment Act. And I mention that to the
21 Council because it's an issue that I have been working
22 personally on for quite a long period of time. And I can
23 tell you getting a bill introduced is not like they tell you
24 in high school civics. It's a tortuous process.

25 But what it would provide for is the payment

1 of property taxes on lands that are acquired by the Federal
2 government and the establishment of an endowment fund to pay
3 those property taxes in perpetuity. It's not on your
4 agenda, and it's new as of news today.

5 And so I would be happy at some point in the
6 Council, not take the time here, but to get into the details
7 of that. We are hopeful of seeing that move. The
8 announcement of the PILT payment, Payment in Lieu of Taxes
9 payment, was out on the table in the lobby when I came in.
10 And those payments for most of the counties in the
11 California desert and to surprisingly over 1400 counties
12 nationally are capped by population when counties exceed
13 50,000 people or by acreage, when a county has over 1.3
14 million acres of Federal land already in the county.

15 So what this act proposes to do when the
16 Federal government acquires is to provide payment of taxes
17 outside of PILT. For example, when the Catellas sold
18 400,000 acres to BLM a couple of years ago, San Bernardino
19 County got not one penny of PILT more for having that
20 400,000 added to their entitlement acres because they are
21 already maxed out.

22 By the same token in Inyo County, they face
23 the same kind of situation with only 18,000 people in the
24 county. If somebody goes in there and acquires -- Inyo
25 County has only 3 percent of the county that's private lands

1 and taxable, and if somebody goes in there, that's a
2 significant hit to the area tax base. And they got not a
3 penny more of PILT. So that's the rationale behind HR 5053.

4 I might come back to one other issue, and
5 that's topics that are addressed. And I really appreciate,
6 Linda, your adding comment period for items not on the
7 agenda. I think that's a new stroke, and I think it's a
8 good one because it does allow people to say things and to
9 raise issues for future meetings and future reference.

10 In that context, and I have said the Council
11 can, of course, pass resolutions on anything they want
12 that's on the agenda. And the Federal presence does control
13 the agenda, and the agendas are published in advance, so the
14 Council's recommendations, and I think that this is legally
15 called for under the Federal Advisory Committee Act and
16 certainly reinforced with the charter -- that the Council
17 can only make recommendations on those items that are on the
18 agenda and deemed appropriate for this meeting.

19 So that, you know, as far as West Mojave goes,
20 as far as NECO and NEMO goes, those are on the agenda and
21 it's perfectly okay for the Council to recommend. Using a
22 an issue currently before the public, Boxer Bill, 2535, that
23 was introduced last month. Since that is not agendized, it
24 would be inappropriate at this meeting for the Council to
25 undertake discussion of that and to pass a resolution on it

1 because it's not on the agenda.

2 And so that's the way I read it as a member of
3 the public. And I think that it's -- I think that's the
4 legal way to do it. If the BLM wants the Council at some
5 future date to take a position on it, then agendize it for
6 the next meeting.

7 In that regard and just for the record, I
8 would like before I finish here to say, though, that San
9 Bernardino County Board of Supervisors at their meeting
10 Tuesday, June 25th, did pass a resolution opposing the Boxer
11 Bill. So those resolutions, I suspect, are going to be
12 moving along either for or against as the summer progresses.

13 Thank you, Mr. Chairman. Good luck to you and
14 I have been an observer of this Council for a great number
15 of years and hopefully, God willing, I will again.

16 MEMBER BETTERLY: What Gerry just said was
17 about San Bernardino County and the 400,000 acres taken off.
18 What he didn't tell you, it was taken off the tax roll and
19 private enterprise was paying taxes on it. So it was a
20 depletion of dollars into the County which happens in every
21 county in the country. Correct, Gary?

22 MR. HILLIER: Yes.

23 MEMBER LEIMGRUBER: Thank you, Gerry, for
24 sharing this information on the California Wild Heritage
25 Act. I do have a copy of that bill, and I have asked to

1 have that reproduced so it can be made available so the
2 public here does know what we are talking about.

3 In our backup material it kind of goes down a
4 little synopsis here on some of the issues that it would
5 deal with. And as San Bernardino has acted on this, we are
6 still trying to establish the location of -- I'm looking at
7 it as an Imperial County Supervisor, and I don't think at
8 this time it includes any of the Imperial County property.
9 But I have brought it with me, and it will be brought up as
10 new business. And perhaps this Council would agree to
11 oppose this bill. It's going to add a significant amount of
12 acreage into the Wilderness Act. And with that said, I want
13 the public then to be aware that this is on our radar.

14 MEMBER BETTERLY: Wouldn't that have some
15 effect on the Mojave Plan anyway?

16 MEMBER LEIMGRUBER: Yes, on the Mojave Plan.

17 MEMBER BETTERLY: So it's fair game.

18 MEMBER LEIMGRUBER: I stand corrected.

19 MEMBER FERGUSON: Can I interject a point of
20 order here? Do we have some more people who wish to make
21 public comment? And if we want to discuss the Heritage
22 bill, we can add it to the agenda or discuss it at the next
23 meeting?

24 MR. DANNA: That's why the bin is over here,
25 to have those things discussed later.

1 CHAIRPERSON KEMPER: The next speaker will be
2 Marie Brashear.

3 MS. BRASHEAR: I only submitted my card, just
4 in case. So you can skip over mine.

5 CHAIRPERSON KEMPER: Pat Flanagan. Wilderness
6 Coalition.

7 MS. FLANAGAN: Good morning. Thank you for
8 this opportunity to speak. I am Pat Flanagan, and I would
9 identify myself as the California representative in the
10 desert for the California Wilderness Coalition, so I will be
11 a point person for discussion in this issue that's coming
12 up.

13 I really would appreciate it if it would be
14 put on the agenda for the next meeting, and that BLM could
15 provide maps and a great deal more material than is just in
16 this description we have with us so there can be a wide
17 range of discussion. Certainly, there are more types of
18 recreation that are being looked at in the Wilderness Bill
19 than single issues. So I really would appreciate a bigger
20 hearing. Thank you.

21 CHAIRPERSON KEMPER: Thank you. Chuck
22 Mobley. Actually, Chuck has already gone. I guess we are
23 already all the way through.

24 Is there anybody who wishes to speak that did
25 not turn in a slip? Okay. At this time, I'm going to call

1 a short break.

2 MEMBER ELLIS: Mr. Chairman, in the past,
3 occasionally one way to get items on the next meetings'
4 agenda would be for one of us to make a motion to put it
5 there. I don't know how you want to handle things next
6 time, but I do think it would be helpful to get the
7 Wilderness Bill issue on the next agenda. I won't make a
8 motion at this time, but I'm indicating my desire for that.

9 MS. HANSEN: We did add that onto the bin
10 items, and before the day is over, we will go back to those
11 bins. And if at that point you feel you need to make a
12 motion to get it on the agenda, we can at that time.

13 CHAIRPERSON KEMPER: I have made a couple of
14 notes for things that would go on the next agenda, and I
15 think everybody else will, as well. So if there is noy any
16 more discussion, we will take a break.

17 (Brief recess was taken.)

18 CHAIRPERSON KEMPER: We are ready to go back
19 on. We will be calling the next portion of the meeting to
20 order.

21 The order which the Council member reports.
22 And if it's okay with the Council, I would like to start on
23 the right and move to the left.

24 MEMBER DAVIS: He is missing.

25 CHAIRPERSON KEMPER: Boy Denner is not

1 present, so I guess we will start on the left and move to
2 the right.

3 MEMBER BETTERLY: I have no reports. Yes, I
4 do too.

5 At the last meeting -- it's a good place to
6 bring it up -- we had some very distinguished speakers with
7 regards to the turtle studies that were done and whether or
8 not these studies had any substance to them at all. And my
9 understanding of that was unless they were peer-reviewed,
10 nobody could have them and nobody could further their
11 education on them unless Dr. Barry would agree to have them
12 peer-reviewed. And I haven't heard anything about that.
13 And I was just bringing it up for the board's recollection.

14 CHAIRPERSON KEMPER: You are asking for a
15 notation again that we follow up on it?

16 MEMBER BETTERLY: Yes.

17 CHAIRPERSON KEMPER: So done. Dennis?

18 MR. CASEBIER: Dennis Casebier. I don't have
19 a lot to add. I have had an opportunity to comment to the
20 new District Director on some of the things that were
21 bothering me. But I would like to second what my colleague,
22 Bill, is saying here and expand it to a discussion of the
23 minutes themselves. I thought we had a pretty good meeting
24 in El Centro and covered a lot of ground. And now it's six
25 months later and somehow we are not prepared to build on

1 that or follow up on it. It seems like we ought to fix
2 that. What did we do all that for?

3 CHAIRPERSON KEMPER: I don't believe we have
4 forgotten. I think we have had a change in the District
5 Manager, and hopefully here and at the next meeting --

6 MR. CASEBIER: In fact, I would submit for
7 the consideration of our parliamentarian that we are out of
8 order in that regard. Shouldn't the minutes be here for us
9 to pursue and build on? And is each one of these meetings
10 done in isolation?

11 MEMBER LEIMGRUBER: I would have to defer
12 back to our Regional Manager here from BLM on that
13 particular issue.

14 MS. HANSEN: I believe the minutes were sent
15 out to the members of the Council. My experience in other
16 councils is that those minutes are generally asked for
17 approval at the following meeting. And your Council
18 chairman has asked for us to do that, and we will begin to
19 add that as an agenda item on your standing agenda for your
20 meetings.

21 As far as minutes for today, those have been
22 provided to the Council, but we did not bring additional
23 copies of them and they are not in your packet today. I
24 assume if you all have had a chance to look at those and
25 want to pass on those minutes at this meeting, you can do

1 that. But it would be without the benefit of having
2 anything in front of you that we have provided you to work
3 on.

4 MR. CASEBIER: You are right, and I have
5 copies of them. But that's where Bill is coming from. He
6 is trying to say something went on that --

7 MEMBER BETTERLY: We should be following up
8 on.

9 MEMBER FERGUSON: Linda, we did not all get
10 them.

11 MS. HANSEN: You were not appointed at the
12 time the minutes were sent out, but we can get you a copy.

13 MEMBER FERGUSON: Thank you. The new
14 Advisory Council members did not receive that, and if we are
15 going to be approving anything, we need to.

16 MEMBER BETTERLY: They still would be able to
17 vote on those anyway, because we were present at that
18 meeting. But there is still 51 percent of the old members
19 here that could vote on that too. So it doesn't make any
20 difference about the new ones.

21 MS. HANSEN: If I understand your real issue,
22 it's not approval of those minutes. It's merely what has
23 happened with those actions in there?

24 MEMBER BETTERLY: This gal can still run out
25 and do all she wants of these studies, and you pay her, and

1 nobody gets the benefit of it.

2 MS. HANSEN: I can't respond to that
3 directly, what's going on with that. So I'm sorry. At
4 today's meeting I'm not prepared.

5 MEMBER BETTERLY: Respond to it, but some of
6 them are on file there. I have studied them.

7 MS. HANSEN: I think as we go through some of
8 the reports by the managers today, you will get a little bit
9 of the picture of some of the updated work that's going on
10 with desert tortoise. Maybe that will help you a little
11 bit, but it will not be, I'm sure, in direct relation to
12 Kristine's work.

13 CHAIRPERSON KEMPER: Dennis, any more
14 comment? And I'm sorry. I haven't remembered your name.

15 MEMBER FERGUSON: Jeri.

16 CHAIRPERSON KEMPER: Roy.

17 MEMBER DENNER: Regarding the minutes and
18 the resolutions made, I think one of the reasons the Council
19 felt a need to have a more definitive report on exactly what
20 the resolutions are is exemplified. If you take a look at
21 the exact wording in those minutes of our resolutions and
22 then take a look at the resolutions as they were presented
23 to us by the Desert District Manager, you will find some
24 significant parts of the motion left out.

25 CHAIRPERSON KEMPER: Okay. Jeri?

1 MEMBER FERGUSON: My name is Jeri Ferguson.
2 I am a representative and a contractor for the California
3 Association of Four-Wheel Drive Clubs. I do represent them
4 at all BLM, Park Service public meetings or dealing with
5 land management plans.

6 One of the things that I hear constantly is
7 while OHV has an issue on the bigger thing for the whole
8 desert area, it's actually vehicle access, whether it be for
9 rockhounds, miners, ranchers, whomever, so I feel that
10 when those people aren't present at whatever meeting, I try
11 to make sure that I represent motorized recreation and the
12 access of getting there.

13 So not all roads and trails are -- you know,
14 they are available for off-road use or for motorcycles and
15 ATVs in the desert. But when a lot of people think about
16 closing roads, it always gets amplified, it's being closed
17 to off-road users. But they don't realize that it also
18 affects the rockhounds and everybody else. So the big
19 picture actually needs to be looked at that it's public
20 lands for everybody, not just select groups of people.

21 So anyway, so I want the rockhounds to know
22 that you are still being represented. The bottom line. And
23 that's pretty much it, and I'm open for suggestions. My
24 e-mail address is out there, and if anybody has any comments
25 or concerns, feel free to get ahold of me.

1 MEMBER ELLIS: Hi. I'm Bob Ellis. I
2 represent environmental protection. And I guess I'm going
3 to be very much looking forward to the agency's
4 presentations today because one of our big problems as
5 environmentalists in the desert is what is happening to the
6 recovery of endangered species in the desert. And
7 hopefully, we will get an update and then we will all in our
8 different ways find a way to react to that and try to move
9 forward with our different priorities.

10 The second main item environmentalists are
11 concerned with is route proliferation in the desert. I'm
12 sure we are going to address that, and I am looking forward
13 to work on that second -- to BLM's, let's call them missing
14 actions, environmental species protection, and the promise
15 to designate routes.

16 Another issue that we haven't dealt with too
17 much in this group, but I think it's very important and it's
18 going to get more important every year that goes by is
19 groundwater. We have the Cadiz Project, which may or may
20 not be approved in some form or other by either the BLM or
21 the Metropolitan Water District. It's definitely a threat
22 to the groundwater of the desert. It definitely would have
23 an impact on lots of people who live out here and on the
24 environment.

25 There is also ground water issues in many

1 other parts of the desert that are beginning to emerge as
2 the value of water goes up and the interests of some private
3 enterprise entities start to look at where this water can
4 perhaps be used for their profit. So I will be interested
5 in that, and hope I will keep it in the forefront of
6 everybody's mind as we go through the year.

7 My last environmental issue that I want to
8 keep watching, and I think it's another emerging one, is air
9 pollution. It seems as though every couple weeks this
10 spring another report was issued by one agency or private
11 enterprise group or some other study indicating the
12 increasingly, let's call it -- we are getting more
13 increasingly aware of the dangers of particulate pollution
14 and how that affects both the environment and us personally
15 as we live and visit the desert.

16 I think this is going to be a pretty big
17 growing area of concern for users of the desert and managers
18 of the desert. So I will keep this one on the hot burner,
19 too, asking questions about that and hoping we will get some
20 good BLM answers.

21 Two other things I wanted to bring up. They
22 are what I feel are different hats that I have wound up,
23 let's say, constructing for myself on this board. And one
24 is wilderness. I'm a wilderness -- desert wilderness
25 backpacker. That's how I got started loving the desert.

1 And that's how I got started being involved in -- as an
2 environmentalist in trying to work on issues.

3 So I have gone out and looked for places that
4 seemed as though they deserved wilderness protection. I
5 have taken pictures and walked boundaries and participated
6 in groups, encouraging both improvement and management of
7 the current wildernesses and proposals for new ones. So I
8 will be trying to represent that interest on this board.

9 I do want to commend the BLM for the work that
10 they have done over the last few years in building from
11 scratch an ability to manage desert wildernesses that they
12 never had done before. Right now we seem to be at a point
13 where the wilderness staff in the field offices of the BLM
14 is kind of changing guard here. Those people that were
15 hired after the 1994 Desert Protection act was passed seem
16 to be passing on. There is no wilderness staff. They will
17 be hiring new ones. It's a big problem. We are going to
18 need to watch that and encourage the BLM to fill those
19 positions in both wilderness and natural resource jobs in
20 the desert so that the environment that we all want to be
21 there for us whatever our recreation or commercial interests
22 are, you know -- that's protected.

23 Last thing that I feel that I wind up
24 representing, my other hat, third hat, perhaps, or cap or
25 something, is that of nonmotorized recreation. As a desert

1 backpacker, I think what draws me out there is the ability
2 to find places of solitude, places where there is peace and
3 quiet. I live in an urban area. In many ways I probably
4 represent people who do live or some people who live in
5 urban areas who do need to go to the desert, to big, open
6 spaces to find a sense of comfort for however you define
7 that.

8 What I would like to do as a nonmotorized
9 recreation person is truly encourage people to get out and
10 walk in the desert. I said this last year a couple of
11 times. Every time I do it I get so much. Last February, I
12 was fortunate enough to be able to do a backpack for 114
13 miles from Trona to Baker.

14 Now, just think about that. We were going
15 through the southern part of Death Valley. We were right
16 near military reservations. In all that way, we crossed
17 only two dirt roads. We saw three people. We hiked for 14
18 days. We stashed water at various places, and we had a
19 wonderful time, and that's available for people who want to
20 get out there. And I encourage more people to do it. I'm
21 about to become a senior citizen. I expect to be
22 backpacking for a number of years. It isn't an
23 insurmountable thing for many people. Thank you.

24 CHAIRPERSON KEMPER: Ilene.

25 MEMBER ANDERSON: Well, I have a few things

1 to report on that I have been involved with in the desert
2 with regards to the Native Plant Society, and one of those
3 is working diligently on the West Mojave Plan with others on
4 the Council, as well. Since we met last, I have attended
5 over 10 different meetings trying to grind out that
6 consensus-based process and get the West Mojave Plan off the
7 ground into the air somewhere. So I'm really looking forward
8 for to the discussion, presentation to the Council this
9 afternoon, no question about it.

10 Also, I have been working with Howard,
11 actually, with regards to some of the carbonate plant issues
12 on the back side of the San Bernardino Mountains. And
13 that's another sort of consensus-based process that we are
14 working on in a small working group to try to flesh out an
15 alternative that is -- allows for plant conservation as well
16 as for mining. And we are doing some great work in that
17 group, really coming to terms with how both of these things
18 can coexist and be beneficial for both interests.

19 With regards to the Algodones or Imperial Sand
20 Dunes, I didn't participate this year, but other CNPS folks
21 participated in the data collection. This is the fifth year
22 we have helped the bureau collect information on the suite
23 of rare plant species on the Dunes, primarily in the
24 wilderness section where we are hiking across it. And
25 echoing Bob's experience, it is fantastic to just get out

1 there and walk and see not only the rare plant species, but
2 the rest of the animals out there as well.

3 I also attended one of the public comment
4 meetings for the Dunes RAMP, and I want to compliment Greg
5 and his team on what I felt was a really great meeting with
6 regards to the interaction of the public and being able to
7 get up and speak what we had to say. So, you know, great
8 job. Thank you.

9 On a personal note, as you all are probably
10 aware, this year has been incredibly dry all over Southern
11 California. And as a working botanist, although I don't
12 work in the desert, it's been a really slow year because of
13 the lack of rain. And it's taken a great toll on vegetation
14 throughout Southern California, including the desert. And
15 this is just a really tough year for the resources out
16 there. The plants -- the base of the food chain for a lot
17 of the animals and -- well, for a lot of the animals, for
18 all the animals, and it's just been a really tough year for
19 reproduction for a lot of the species, including plants, due
20 to the lack of rain.

21 However, on a positive note for myself, it's
22 been a very quiet spring, and I have thoroughly enjoyed the
23 extra time for myself, not working. Thank you.

24 CHAIRPERSON KEMPER: Randy.

25 MEMBER RISTER: I represent wildlife. There

1 is a numerous list of items that Greg Thomsen will be
2 discussing in his report on the El Centro field office. We
3 have the issues of the North Bottom pipeline. We have the
4 issues of the desert tortoise, the issues of Glamis, the
5 issues of the Western Colorado routes of travel.

6 Some new issues have come up involving the
7 pipeline and the various transmission lines bringing natural
8 gas to Mexico where power will be generated, and then that
9 power exported to the metropolitan areas through some areas
10 of critical habitat: The desert tortoise, the Placer -- the
11 bighorn sheep. So we have a lot of issues.

12 And I would like to also indicate, as Ilene
13 has indicated the drought, not just this year, but an
14 accumulation. We have been going into a dryer and dryer
15 cycle, and that has had an effect on the wildlife
16 populations.

17 We just recently this last month in May and
18 June, we did additional telemetry radio collaring of Big
19 Horn Sleep, Desert Mule Deer and feral burros in the
20 Imperial County area and in Riverside County. We are trying
21 to learn more about the impact that the wild burro
22 population increases are having on other species, like the
23 bighorn sheep. They pretty well have driven all the sheep
24 out of the Indian Pass Wilderness Area. If it wasn't for
25 water sources that we put in around Midway Mountain and

1 other areas, that sheep population would be gone.

2 Conversely, in the Orocopia Wilderness area,
3 where we have water sources and no burros, that sheep
4 population has shown an increase. So besides the issues
5 discussed later by Greg Thomsen, we are looking at the
6 importance of these critical water sources and the survival
7 of these bighorn sheep and desert mule deer and how
8 dependent they are on these water sources. And we have had
9 various aquifers where we have had windmill installation.
10 And those aquifers have dried up in the drought period.

11 So we are ultimately having to develop other
12 sources of rain catchment or other water sources because
13 windmills and solar-operated pumps, the groundwater has gone
14 because there has been no recharge. So we are seeing this
15 cumulative impact of the drought and the impact of trying to
16 control the proliferation of burros. There have been
17 attempts to capture, but in some cases the population
18 increase has exceeded the capture rate. So the burros have
19 moved out of the herd management areas. They are along the
20 Coachella canal, clear up to the -- through the Chuckwalla
21 Bench, up to the base of the Oracopia Mountains. We are
22 concerned that they might get in and negatively impact the
23 sheep population.

24 We have other studies we are trying to do in
25 the Anza Borrego and the peninsula range. But again, on the

1 wildlife issues, they just seem to be barely holding on
2 because of the environmental -- basically that the drought
3 conditions occurring out there are affecting the water
4 sources and the plant life.

5 CHAIRPERSON KEMPER: Paul.

6 MEMBER SMITH: Yes, Paul Smith, representing
7 the public-at-large.

8 Several things I would like to urge. The Lone
9 Pine Visitor's Center is planning on an expansion, and it's
10 part of an interagency group that includes the National Park
11 Service, the BLM and several other agencies. And I would
12 strongly encourage the BLM to really assist in that effort.
13 That's a major interpretive effort for the mountains and the
14 desert. It's highly successful and very well thought of.
15 The people that are running it are excellent.

16 I have learned also that the Desert Managers'
17 Group is putting in a visitor's kiosk down on Highway 10
18 near the Chiriaco Summit. And it will highlight through, I
19 think, some sort of computer images that can be called up
20 the various different areas that you can visit and come to
21 some appreciation of in the desert. This is excellent.

22 One of the things that the BLM is weak on is
23 public interpretation for the public, so I would like to
24 encourage the BLM to continue to do these sorts of things
25 and get more of these kiosks going, work with the Desert

1 Managers' Group.

2 I was a little disappointed to see Vicki
3 Warren again not getting proper notices, and I would
4 encourage maybe Linda or the BLM to sort of go back and
5 review your procedures and lists and things so this lack of
6 good notice is not one of the problems that we have to deal
7 with or that the BLM has to deal with. We should be dealing
8 with the substantive issues.

9 And then lastly, I have encouraged as soon as
10 possible the BLM to produce maps -- maybe they already
11 exist -- that deal with these proposed wilderness areas and
12 the acts so they can be better understood. I would like to
13 understand them myself. I'd like to say I'm not against
14 wilderness, like a lot of people are on this particular
15 commission, but I certainly don't want to see areas that
16 should be kept open, closed just because of a lack of good
17 study or good public input. This would particularly be true
18 with good routes of travel. It would be true of rock
19 hounder sites and the like. So that's kind of my report.

20 MEMBER BROWN: Okay. Howard Brown,
21 representing nonrenewable resources. And I am new on the
22 Council, so I don't really have any formal things to report
23 with regard to the mineral exploration or mining industry.

24 However, having worked in the Mojave and lived
25 out here since the 1970s, what is a concern to me and I

1 think the industry as a whole would be the systematic loss
2 of vehicular access for mineral exploration. And with each
3 new management plan, the area that is accessible is reduced
4 in half or whatever. So ultimately, what I see is more and
5 more people or more and more users being forced into smaller
6 and smaller areas. And I don't think that's really good
7 planning.

8 It seems to be all driven by, you know, the
9 Endangered Species Act, which is being used as a sledge
10 hammer for pretty much all the public land users. And I
11 think it's driving away the industry or their desire to be
12 here. And I have seen some documentation produced by
13 different -- not industry-based, but study groups that have
14 looked at the desirability of different areas for mineral
15 exploration based on their mineral endowment, but also the
16 political climate in those areas. And California is about
17 equal to Russia or China or Albania in terms of desirable
18 places to explore, not because of mineral endowment, because
19 it is here, but because of the political climate that is
20 driving people away from it.

21 So I think the industry would be concerned
22 about the process of systematic elimination of the industry
23 because of political pressures. I'm sure as I get more
24 involved in the different issues that are going to be
25 presented to the Council, I'm sure I will get more and more

1 opinionated. A lot of things I just haven't been involved
2 in that I don't know about that I'm sure I will become
3 involved in. That's all I have to say for right now.

4 MEMBER LEIMGRUBER: Well, we welcome the new
5 members on board. And there will be plenty of information
6 shared back and forth.

7 Again, my name is Wally Leimgruber, District 5
8 Imperial County Supervisor. District 5 was large before the
9 redistricting; it's even larger now. We now include all of
10 the eastern portion of the County. I go down to the Mexico
11 border, east to Arizona, the Colorado river, all the way up
12 to Riverside. And a lot of the area that's controlled by
13 BLM is in District 5 and I enjoy working with our local BLM
14 office. Their management team there, they work in concert
15 with our County Board. We discuss many issues. We resolve
16 many issues. And that is always an enjoyment doing.

17 And I would like to commend our field office
18 manager, Greg Thomsen, his staff. I don't see Roxie here,
19 so I might start talking a little bit more about her. But
20 they are a jewel to work with, and I do mean that with all
21 sincerity.

22 From our last meeting, Imperial County has
23 been involved in a lot of issues, and I'm going to try to
24 give us a little synopsis here in 25 words or less. I don't
25 want to get too long into this discussion. But the RS 2477,

1 Imperial County did assert our rights back in March.
2 Because of the geographical layout of our lands -- and I
3 will just try to bring this up to something that we can
4 understand -- in the metropolitan areas you will have road
5 infrastructure there that will allow you to move into the
6 residential areas, the place where you work, let you go back
7 into the places that you utilize there.

8 Well, counties are no different. We are a
9 rural area. We have a lot of issues that we have to deal
10 with. We have mining products that we have to be able to go
11 in. We have recreation. We have gemologists that go out
12 there and study these rocks. Also, we have to deal with
13 undocumented immigrants. We are next to the U.S. Mexican
14 border. Those individuals are earning \$5 to \$10 a day,
15 maximum, and you don't have to be a brain surgeon to figure
16 out they are going to continue this migration north, and we
17 have to be able to respond out there. I don't think the
18 penalty should be death for coming out and trying to better
19 your life.

20 Yes, I believe in immigration laws. I think
21 those are areas that immigrants need to apply through and
22 not enter this country illegal. But we still need the
23 opportunity to go out there and respond.

24 We are dealing with a lot of fires. How else
25 do you think we go out and combat those fires? Yes, we are

1 in the low desert area, but we still have areas that are
2 very subject to these fires that come out.

3 Going into the electric energy needs of
4 California, there has been some large companies, Semptra and
5 Entergin building plants in Mexico. Semptra has come to the
6 plate, has put in the best available control technology to
7 reduce their emissions. We commend Semptra for doing this.
8 They are going to be fired with natural gas. They are going
9 to transmit their power exclusively north into California.

10 The problem that we have is a company named
11 Entergin, who has chosen not to comply with California's
12 best available technology. Two of their stacks are going to
13 be producing electricity for California consumption. That
14 power -- those stacks will have the technology in place.
15 The other two are for export to Mexico, and they are not.
16 The fear that we have is there are other power plants that
17 are lining up to be built on the US-Mexico border all the
18 way down into Texas. And we have gone ahead and we passed
19 resolution opposing the pipeline. We felt that if they
20 chose in their ignorance to fire these plants with diesel
21 fuel, that there would be such a huge public outcry that we
22 should be able to control this.

23 What does all this mean? That air quality,
24 that BLM is starting to address, impacts our region and
25 impacts their region. And with the best available

1 technology in place, these transmissions are reduced. We
2 can go about our business. We do and we are an attainable
3 county but for the importation of pollutants from Mexico,
4 which gives us those nonattainment areas, something we are
5 wrestling with continually with BLM.

6 Going into the water transfer issue, Bob had
7 brought out some very interesting comment. California, and
8 actually seven western basin states, are experiencing a huge
9 drought. And there are some that feel that this extraction
10 of groundwater will accommodate their purposes. We have
11 groundwater ordinances. You can come in, you can put your
12 residence in and extract groundwater for their home. You
13 can extract water for your farming production. And we want
14 to be able to monitor those wells.

15 We have never withheld anybody's opportunity
16 for going down there for private use, for legitimate use to
17 extract water out of the ground. Yes, it's monitored, and
18 yes, we do not want to delete our aquifers. A lot of people
19 know that there are certain levels. Some are high in sodium
20 chloride. Some are fresh water. We don't want to
21 contaminate those wells. We don't want areas to go dry. We
22 don't want someone to "get all the water."

23 Now, with that said, Imperial Irrigation
24 District is the largest irrigation district in the county.
25 We have the largest allotment of Colorado River water.

1 Because of the coastal communities' growth, they are
2 experiencing a shortage of water. Now they are looking to
3 other areas. We just finished our crop production report to
4 show how many different crops are grown in this region. And
5 with that, we also are now -- probably have every bee
6 pollinator aviary in the country locating in the desert
7 southwest, because now their bees are able to go out and
8 pollinate crops because they sure don't have it out in the
9 desert or high mountains.

10 And again, this leads to why we have these
11 rural areas open. Sometimes we go out in the desert and use
12 that desert sage. There are different plants out there that
13 will sustain those colonies. And we are constantly dealing
14 with all of the ecology. I have lived in that county my
15 entire life now. Lord willing, in October it will be 49
16 years. And I say that because a Supervisor Jon McQuiston
17 had passed away at 52 years of age. I won't say the job did
18 it, but there are a lot of issues that we deal with. I do
19 enjoy being on this Council. I do enjoy receiving all of
20 the public input. Sometimes we are concerned about how the
21 issues are presented, and we want to make sure we attack the
22 issues. And that's what we are here for, to listen to the
23 public. And that concludes my report.

24 MEMBER FERGUSON: Somebody say something.

25 UNIDENTIFIED SPEAKER: Linda, can we just

1 clarify, it was Supervisor Ken Peterson of the Fifth
2 District of Kern County who has passed away. There has
3 been some confusion about which supervisor we lost last
4 week.

5 MS. HANSEN: I was told it was Steve Perez.

6 UNIDENTIFIED SPEAKER: It's not.

7 MEMBER LEIMGRUBER: Thank you, Lorelei.

8 UNIDENTIFIED SPEAKER: It's bad enough what
9 happened, rather than the extension of it.

10 CHAIRPERSON KEMPER: Shari.

11 MEMBER DAVIS: My name is Shari Davis, and
12 I'm a representative for the public-at-large, but I actually
13 represent the filming industry in the Desert District. And
14 having said that, we just completed some economic impact
15 reports for the Barstow field office and spilling over into
16 the Needles film office -- I mean, film office -- the field
17 office. And it's a little over \$36 million. Now, that's in
18 an area in which most of the communities are very small. In
19 which most of the communities do not have a lot of industry.

20 We are finding that one of -- we happen to be,
21 the entertainment industry, one of the larger employer
22 groups in the two-county region of Riverside and San
23 Bernardino counties. Obviously, we have all of the same
24 concerns that all of the users of the desert have.

25 And so we thank Jeri for representing the rock

1 hounds, but not only the rock hounds and the OHV community
2 and the mining community, but also the filming industry,
3 because if we don't have access to the land, then we can't
4 film it.

5 I agree also with Howard where he says that
6 most of the people that use the deserets are being forced
7 into smaller and smaller areas. And as a film industry, we
8 are always looking for the land that Bob wants to walk
9 through because we need it be virgin and pristine and not
10 have anyone in it so that we can film it without any
11 interference to our work.

12 I will say that this industry is very
13 environmentally aware and astute to most of the issues that
14 of the BLM has to deal with. They have offered to be a good
15 partner with the bureau. And I personally have found in my
16 three areas, which is Palm Springs, Needles and Barstow,
17 that the field offices have accommodated filming -- I mean,
18 I have no complaints. The field offices have done a
19 wonderful job to accommodate an industry that usually has no
20 time to accomplish the task set before them.

21 So we have also gotten involved and will be
22 looking at the Senate Bill involving the wilderness areas
23 because, here again, it's the taking away of the use of the
24 public lands and putting them into a situation that we can't
25 use as the film industry. So the Motion Picture Association

1 of America will be working on that on the national level,
2 and at a state level. The State of California Film
3 Commission will be looking at it at a state level. And then
4 all of the film commissions that are in existence within the
5 California Desert District will also be meeting and
6 discussing how we can help implement our ideas and
7 suggestions into the process.

8 I am part of the Inland Empire Economic
9 Partnership. We are a regional economic development
10 association, and obviously, have concerns about the use of
11 the desert and are very supportive of the Fort Irwin
12 expansion, and we are looking at all of the support that we
13 can lend to what is taking place there. I have been working
14 with Marsha Wertenberger. She is an environmental attorney
15 that I guess works with the Bureau of Land Management, but
16 also is an attorney for the Fort Irwin expansion. So we
17 have had a lot of opportunities to meet and discuss that.
18 And I think that's it.

19 But I am going to invite my constituents
20 because I see all you guys all the time, and I don't see any
21 of mine. So I'm inviting them.

22 CHAIRPERSON KEMPER: Roy.

23 MEMBER DENNER: I'm Roy Denner, the
24 recreation representative. And I'm going to explain to this
25 Council one more time: I'm not just the OHV guy. I have

1 two beautiful Palomino quarterhorses that I ride in parades,
2 and I'm very much involved in the equestrian community.

3 It just happens that the issues in the
4 limelight these days are the OHV issues. And Federal Land
5 Management agencies are taking action to prevent
6 environmental resources from being destroyed by those nasty
7 OHV's. The fact of the matter is, the minute I take my
8 horse trailer off a paved road, I'm an equestrian
9 off-roader. The minute you go hunting and take your Jeep
10 into the back country, you are an off-roader. The minute
11 you go fishing and have to go down a dirt road to get to
12 your favorite fishing spot, you are an off-roader.

13 So these issues apply across the board to
14 public use of public land. So I represent more than just
15 the OHV guys. That just happens to be the forefront of the
16 battle at the time.

17 I have three items I want to report to the
18 Council today. The first has to do with the ISDRA. I have
19 some handouts I want to provide, but I will hold those until
20 we address the ISDRA RAMP later on in the day.

21 The second thing I have is, the state of
22 California, as everybody knows, has what they call a green
23 sticker program. The OHNVR division of Highway Motor
24 Vehicle Recreation Division of the State Parks and
25 Recreation has prepared a document that I think is really

1 great. I have one here for everybody. It's called Taking
2 the High Road. It explains the issues of OHV recreation
3 program in the state of California. Talks about the impact
4 on the economy. Reports that in 1993 a study was done that
5 showed that OHV recreation alone contributed more than three
6 billion dollars to the California economy, and that was in
7 1993. So today it's got to be 6 to 10 billion dollars
8 easily because not only has the amount of interest in OHV
9 recreation gone up, but the price of the toys has gone up
10 significantly. You can pay \$150,000 today easily for a sand
11 rail.

12 The amount going into the California economy
13 is important. And the organization I represent, the
14 Off-Road Business Association is composed of business owners
15 who make their living in the off-road recreation industry.
16 And they have become very much concerned, and they are
17 uniting behind this organization to fight things that will
18 impact their ability to make a living in this industry.

19 I also have, in conjunction with the report,
20 the state of California produced a new map showing OHV
21 recreation areas throughout California, and I thought that
22 would be of interest to people. More of these are available
23 from State Parks of Rec, if you would like to have more
24 copies.

25 The final issue I want to address has to do

1 with the resolutions that took place at the last Advisory
2 Council meeting in December. After that meeting, Mr. Salt
3 prepared a list of what he understood the resolutions to be
4 and submitted them to Council members and other interested
5 parties. Recently when -- after this meeting was scheduled
6 our new acting District Manager, Ms. Hansen, responded with
7 a memo as to action that would be taken regarding those
8 resolutions. I prepared a letter dated June 20th, that I
9 sent to Ms. Hansen, and I believe I have given all of the
10 old members of the Council a copy. Howard, probably you are
11 the only new guy that hasn't. Has anybody else not gotten a
12 copy of my letter? Bill?

13 MEMBER BETTERLY: Is it in the packet?

14 MEMBER ELLIS: Through e-mail.

15 MEMBER DENNER: I would also like to
16 officially ask that my letter be entered into the minutes of
17 this meeting.

18 We touched on this this morning. And I also
19 have a few extra copies if members of the public would like
20 to have a copy. We sort of touched on this this morning as
21 to how the BLM handles resolutions made by the DAC. In my
22 opinion, Ms. Hansen's response to the resolutions by the DAC
23 in December was pretty much business as usual. "We can't
24 react to this for various reasons. Federal law, budget
25 problems, the lawsuit that's in process, whatever." Those

1 excuses have been used continually to deny us more and more
2 access to public lands.

3 In this letter, even though I admit it is very
4 antagonistic, and it is intended to be, there are
5 suggestions of how one might have looked at those
6 resolutions from a different direction and found a
7 compromise solution to the resolutions passed by the DAC
8 rather than simply saying we are not going to respond and it
9 can't be done for this reason or that reason.

10 I don't know if anybody wants to get into
11 detail regarding this letter. I would be happy to discuss
12 where I am coming from and where I get my responses to the
13 resolutions. I think there is nothing in here that is a
14 feel-good statement that is my opinion about how things are
15 supposed to be.

16 These are positive statements in my opinion as
17 to how one might, within the letter of the Federal law,
18 react in the direction of the DAC Council's 10 to 2 desires
19 to take action on these various resolutions.

20 I think -- I guess I will just leave it with
21 that, unless anybody wants to dig into the nuts and bolts of
22 it. You have all read it. I don't know how you feel about
23 it. I know that what I have put into this document is 100
24 percent supported by tens of thousands of the people who are
25 involved in OHV recreation in the state of California.

1 I have gotten a feedback from all the
2 organizations. They are 100 percent behind what I have put
3 into this document. And once again, I need to reiterate
4 that the only thing that seems to work is litigation. I
5 made a suggestion in this document that we could work
6 together on this desert tortoise problem. I would even help
7 get the funding to do a proper scientific study of the
8 desert tortoise problem.

9 I would expect that the environmental
10 organizations would welcome an opportunity to delay. Let me
11 point out that the Federal Court did not direct the BLM to
12 take any action. They directed them to accommodate the
13 resolutions -- to accommodate the settlement made by the
14 Desert District Manager and the suing agencies, the
15 plaintiffs. And I would believe that the Court -- if the
16 BLM and suing agencies agree to hold up a stipulation, the
17 time line on a stipulation, to provide good, scientific
18 evidence regarding any endangered species, I would think
19 that the enviros would go along with the land use people,
20 the public users of the land, and hold up those stipulations
21 until the proper study can be done.

22 That's just one example of how the BLM might
23 have approached dealing with the resolutions passed by the
24 DAC. Now, I think I said enough. I don't want to take any
25 more time. But this is a strong message that if litigation

1 is all that works, litigation it will be. Thank you.

2 (Applause from the audience.)

3 CHAIRPERSON KEMPER: Thank you, Roy. I'm
4 going to put on my cowboy hat now and represent livestock
5 interests.

6 I, too, am somewhat disappointed with the
7 resolutions that I saw recently from the District Manager.
8 And I thought about it a little bit, and I really have come
9 to the conclusion that once again, it's a miscommunication.
10 And our current acting District Manager didn't have the
11 benefit of being at previous meetings. So I thought I would
12 give a brief history and hold my comments as short as
13 possible.

14 In regards to the resolutions upon what the
15 Council acted on as a livestock alternative, we were asked
16 at the Ridgecrest meeting to provide an alternative to NEMO
17 and NECO, to put in NEMO and NECO. Was told that it might
18 not be their preferred alternative, but could very easily be
19 inserted as the alternative in the NEMO and NECO plan.
20 After ranchers spending literally -- spending hundreds of
21 hours participating in a TRT that took thousands of
22 man-hours and a lot of diverse interests, they did propose
23 an alternative which was voted on and had a 10-2 vote that
24 that alternative should be included in the NEMO and NECO
25 plan. And we still very much hope to see that alternative

1 in the NEMO and NECO plan. I understand that it may not be
2 your preferred alternative, but after we have spent the
3 hundreds of thousands of hours, we would hope that you would
4 at least put it in the plan as an alternative.

5 Now I will put on my chair hat. Now is the
6 time for the District Manager's report.

7 MS. HANSEN: What a hard act to follow.
8 When we started to put this agenda together, we went out and
9 asked the Council members for agenda items that they would
10 like to hear about and things that they would like to know
11 about. And what came back from the Council members in some
12 instances were initiated into the agenda as agenda items.
13 And in some instances, you will find information in your
14 packets because they were just information items that you
15 wanted to know. And in some cases, they will be responded
16 to in the field manager reports. And in a couple cases they
17 are going to be in my report. That's just to lay some
18 groundwork here.

19 A couple of other things that I will also just
20 kind of update the Council on -- (microphone exchange)
21 that's better. I think of interest to you probably is
22 what's happening with the official replacement of the
23 District Manager. So I will tell you that the agency did
24 announce to fill that vacancy. That vacancy announcement
25 closes Tuesday, I believe, the 2nd of July. So I'm hopeful

1 that -- and the State Director is also hopeful that they
2 will be able to make some kind of decision on that before
3 the end of the fiscal year, and you should have a new
4 District Manager by the first of the year. However, these
5 decisions must be approved through the Washington office.
6 So those of you who have been tracking how slowly things
7 sometimes move in Washington these days, there is no telling
8 how long that will take.

9 In the meantime, I am here. I'm the acting,
10 and I have been here approximately six months now. And I
11 will be functioning as the Acting District Manager for at
12 least a few more weeks until something is decided. So I
13 guess that's to say you are stuck with me for now.

14 I was part of a group going back to
15 Washington to brief the new director, Kathleen Clarke on the
16 planning efforts that are underway. We also had some other
17 folks with us and Jim Kenna went with us on the Coachella
18 plan. We took the plan leads for NEMO and NECO back with
19 us. Mike Pool was also there, and you will get an
20 opportunity in your packets to answer some other questions.
21 And I believe, as Gerry Hillier noted for you, PILT payment
22 information is now available for this year. You also have a
23 fairly thick piece of information about the RS 2477 process.
24 That was one of the questions that came up, and we do have
25 Al Stein here with us today who is, again, our branch chief

1 for resources, who will, should you have questions about
2 that -- we will try to answer that as best we can in a
3 fairly short period of time.

4 There is also some information on air quality
5 in there. We did ask Greg Thomsen in his management report
6 to address that a little bit.

7 One of the other things that I wanted to talk
8 a little bit about was my attendance at the Oversight Group
9 meeting on --

10 Greg is looking like he didn't know he is
11 supposed to do that. Oh, okay. Well, maybe you won't get
12 anything from Greg, then. Sorry.

13 -- is my attendance at the Management
14 Oversight Group dealing with desert tortoise, the MOG as
15 it's called. And at that meeting, just to share some
16 perspective that I came away with and I think there were
17 others here that were there, as well. The question about
18 the recovery plan is on the minds of many folks. One of
19 your requests in the resolution was that that recovery plan
20 be looked at, that it be reviewed, and before we move
21 forward, that there be some effort to see whether or not the
22 recovery plan is working or not. The information that I
23 gleaned out of the meeting that I attended was that there
24 has been a lot of work done, a lot of monitoring has been
25 done. A lot of information and data has been gathered.

1 MEMBER ELLIS: Could you describe what the
2 Management Oversight Group is, just to give us a little more
3 context?

4 MS. HANSEN: It is a group of managers of
5 four states -- I believe it covers Arizona, Utah, California
6 and Nevada -- that was established to provide oversight for
7 implementation of the recovery plan. And --

8 MEMBER ELLIS: So it's a Federal agency
9 desert tortoise recovery oversight group?

10 MS. HANSEN: Both federal and state
11 involvement oversight group. And there may be -- if
12 somebody has a better definition of that than I gave?
13 Anyway, yes. It is chaired by Steve Thomsen, who is the
14 Regional Director for Fish and Wildlife Service, and
15 cochaired by Mike Pool, as the BLM State Director. But it
16 also has membership of BLM from Nevada, Arizona and Utah,
17 and Fish and Wildlife Service regionally for all of that
18 area. It covers the entire range, identified range of the
19 desert tortoise.

20 MR. CASEBIER: Do counties participate?

21 MS. HANSEN: There are counties that are part
22 of that group, as well. They are involved. Well, they are
23 not involved as members of the oversight group. You are
24 correct. That's right, Lorelei. Sorry. You are correct in
25 that. However, they do have people attend. And the

1 meetings are fairly open. So anyone, I guess, can attend.

2 Okay? Does that help, Ron?

3 Anyway, that was my first time at one of those
4 meetings, so I'm still learning about all they do or don't
5 do.

6 But what I wanted to share is there is a lot
7 of information out there that has not been assimilated in a
8 way that can give, I believe, the Fish and Wildlife Service
9 a clear picture of exactly where we are with the recovery
10 plan. So at the end of that meeting, what was decided was
11 that the technical group would get together and begin to
12 compile that picture, begin to compile all the actions that
13 had been done on all of the land under the recovery plan so
14 that we can begin to see what has actually been implemented
15 as a part of the recovery plan, get some idea of how that
16 correlates to the data that's been compiled in the
17 monitoring, so we can get a better picture of what is
18 perhaps having some effect and what isn't having some
19 effect.

20 Now, that doesn't answer the question of what
21 is going to happen to the tortoise. But it begins to build
22 a picture that I think the Fish and Wildlife Service can use
23 to begin to answer the question about the recovery plan and
24 its effectiveness. It's not exactly what you had asked for
25 in your resolution, but I think it's a positive move

1 forward, definitely a recognition that it's time to take a
2 look, and so they are doing that.

3 That technical group, I believe, is meeting
4 sometime in the middle of July with a reporting back to the
5 oversight group in September. And the oversight group will
6 be meeting about the 19th of September, I believe is the
7 date they set. So after that date, hopefully there will be
8 more information to share about where things are on the
9 recovery plan. Yeah. Molly.

10 MS. BRADY: I wanted to add one thing. The
11 Technical Advisory Committee, TAC, that is looking at this
12 is a group that has been together under the MOG
13 since its inception. Management and Oversight Group was
14 started in the early nineties, shortly after the listing.
15 And for years, Ed Hastey, our former state director, was the
16 head of the MOG and in fact he signed the recovery plan on
17 behalf of the four states and all the federal agencies. So
18 just wanted to add to that.

19 MS. HANSEN: Thanks, Molly, I appreciate
20 that.

21 So I guess I just would like to say that, you
22 know, there is some stuff coming on the horizon and we will
23 do our best to keep you informed as a Council as we give out
24 information and shed some light on where we are on things.

25 MR. DANNA: Linda, there is a question.

1 MEMBER FERGUSON: On the MOG meeting, how do
2 we get the information of where it's at?

3 MS. HANSEN: It's generally held in Las
4 Vegas. And we met -- because that seems to be the center
5 point and I believe that's where we will meet again in
6 September. This meeting was held at the BLM Joint Federal
7 Building there in Las Vegas. And if you want to know the
8 exact site, I will get it for you.

9 MEMBER DENNER: Question, too.

10 Over the last several DAC meetings we have had
11 a number of reports from desert tortoise experts. None of
12 them have suggested that any new data or studies or
13 information has been available. In fact, at the last
14 meeting in El Centro, one of the BLM experts said if you
15 asked 100 different desert tortoise experts for their
16 opinion, we would get 100 different answers.

17 Would it be possible for the user groups to
18 get copies of data, of new data that is available before
19 it's totally summarized and reported on and put in final
20 form by the BLM so-called experts?

21 MS. HANSEN: The data that exists pretty much
22 is just raw data from monitoring. So what it is is they
23 went out and checked so many transects. What they are
24 trying to build is a picture of the trending, so it takes
25 more than one year's data to be able to do that. They are

1 going to be looking at compiling that. I don't know that
2 there is anything in that data that would be real helpful to
3 you at this point until it's gone through some of that
4 compilation.

5 MEMBER DENNER: It's interesting that they
6 are actually doing the transects. When we had our meeting
7 in Ridgecrest, we had an opportunity to observe the desert
8 tortoise study area that has been closed for ten years. And
9 we were told by the BLM -- I asked the question, how is the
10 tortoise doing in this closed area relative to over here in
11 the open areas. They said we don't have the funds or
12 resources to do transects in that area, so they had no idea
13 even in their own control area what the status of the
14 Tortoise was.

15 MS. HANSEN: Again, all I am saying is what
16 data is available -- and I'm not sure where all the
17 transects are. They are scattered in various locations.
18 More work has been done in some portions of the habitats
19 than others. Arizona has been able to do quite a bit.
20 Maybe more than California has. But anyway, because -- to
21 build a full picture, I think, of what is happening habitat
22 wide, that this is a good step to start putting that
23 together and taking a look at what it looks like overall.

24 I don't know that that really answers your
25 question. I can't give you a specific about it right now.

1 And what data is available will probably be after Fish and
2 Wildlife Service has had an opportunity to review it.

3 CHAIRPERSON KEMPER: Linda, maybe I can ask
4 the question a different way that will allow you to answer
5 yes or no. If somebody were to make a request under the
6 Freedom of Information Act for that data, would it be
7 provided?

8 MS. HANSEN: Boy, some of that's probably
9 yes, and some of that's probably no. Because it's
10 preliminary data and information that is not necessarily in
11 a published format, some of it probably is not available.

12 MEMBER BETTERLY: Is it the Carlsbad office
13 of U.S. Fish and Wildlife that is doing it, or is it the
14 Northern one?

15 MS. HANSEN: It's Ventura.

16 MEMBER BETTERLY: Which?

17 MS. HANSEN: Ventura.

18 MEMBER ANDERSON: I think, Roy, that the area
19 that we went to in our Ridgecrest field tour, if I'm not
20 mistaken, is the desert tortoise natural area. And I think
21 primarily most of that is privately held by one of the
22 desert tortoise groups so that the BLM doesn't have the
23 opportunity to go in there and do desert tortoise research,
24 because it's not their property.

25 MEMBER DENNER: We went to two areas. We did

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1 indeed go to that area where there was a private
2 conservation for the desert tortoise. In fact, they
3 couldn't find a tortoise when we were there. If you
4 remember, we looked quite a bit. But prior to that when we
5 were in the field, there was a large fenced-off area that I
6 understood is BLM property closed for ten years, a large
7 area right next to an area where they were demonstrating how
8 they were closing trails to OHVs.

9 CHAIRPERSON KEMPER: Bob.

10 MEMBER ELLIS: Roy, I was fortunate enough to
11 be able to attend the desert tortoise symposium they have
12 every year. This year it was in Palm Springs in March for a
13 couple of days. And they have a -- they hire a hotel and
14 they have a whole bunch of speakers. And all the people who
15 are doing research for the most part attend these annual
16 meetings. I think it's open to the public or maybe you pay
17 10 bucks or something to be a member, and there you are.

18 The news this year seemed to be a lot of money
19 coming into the Tortoise research area primarily from
20 military sources. The University of Redlands has got a big
21 grant, several million dollars. I don't exactly know what
22 they are going to do. But I would suggest that if you have
23 a chance to attend there, you can find out what is
24 happening. I admit -- I mean, I agree, I was confused by
25 everything that's going on here. But there is a way to get

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1 at more closely some of the raw data from attending some of
2 this.

3 MEMBER DENNER: Who is they?

4 MEMBER ELLIS: The desert tortoise Council is
5 a group of -- well, academics and other people who are
6 involved in trying to recover the Tortoise.

7 MEMBER DENNER: Bob, when you get future
8 notices of meetings like that, would you be good enough to
9 send them out to the rest of the Council members?

10 MEMBER ELLIS: Well, sure. Yeah.

11 CHAIRPERSON KEMPER: Maybe if we can stay on
12 track with the District Manager's report.

13 MS. HANSEN: I will move on to some more
14 solid ground here.

15 One of the other questions that was asked is
16 budget. Budget is not good. We are working in sort of a
17 deficit situation already, and we are three months from the
18 end of the fiscal year. We are doing all we can within both
19 the district -- the Desert District, but throughout
20 California to cover our needs in-house. But likely, we will
21 end the year with some deficit spending for BLM in
22 California. And that's going to be like the first time that
23 I can remember, really. And that is not a good thing for
24 us.

25 When that happens, ultimately what happens is

1 that money that we overspent this year comes out of next
2 year's allocations to us from Washington. So we end up sort
3 of starting in the hole the next year. We have gone back to
4 Washington with some requests to alleviate some of those
5 deficits because we feel that they are prompted by
6 activities that we have had to undertake where we weren't
7 funded in the beginning of the year to deal with. So we have
8 identified where we think we had problems, and we will see
9 what Washington can do for us overall.

10 The wild horse program is one that I can speak
11 to specifically, where this year California started out with
12 100,000 deficit from last year, and we have continued to
13 kind of lose ground there. And that is a big and important
14 issue for us because we need to be able to continue to
15 remove animals to reach our AMLs and to function with the
16 corral facilities and adoption authorities to try to
17 eventually get those animals into private homes and
18 ownership. So just to give you a picture that the budget is
19 not good. And we will see where we end up at the end of the
20 year. The budget is not good.

21 MR. CASEBIER: I have a question about
22 budget. The head of the Forest Service testified before
23 Congress the last few weeks that the Forest Service is
24 spending 40 percent, 40 or 50 percent of their budget and
25 resources dealing with 1500 lawsuits. Do you have a feel

1 for what portion of the budget BLM is spending dealing with
2 the plethora of lawsuits.

3 MS. HANSEN: You mean BLM-wide.

4 MEMBER CASEBIER: California Desert District,
5 whatever.

6 MS. HANSEN: I can tell you for the Desert
7 District that approximately 2 million has been expended
8 directly on lawsuit activities. That includes also some of
9 the accelerated planning efforts that we are doing.

10 CHAIRPERSON KEMPER: Does that include the
11 money that the Justice Department has spent, as well?

12 MS. HANSEN: No, that's only what is here in
13 California actually out of the Desert budget.

14 MR. CASEBIER: What number do you use for the
15 total budget for the Desert District, ballpark? I won't
16 hold you to nickels and dimes.

17 MS. HANSEN: Can I answer that?

18 CHAIRPERSON KEMPER: I believe last year it
19 was \$18 million.

20 MS. HANSEN: It's a lot more than I got up in
21 Northern California, I can tell you that.

22 MEMBER BETTERLY: We are a little bigger than
23 you were in Northern California.

24 MR. CASEBIER: So you are saying at least \$2
25 million out of an \$18 million budget goes to deal with these

1 lawsuits.

2 MS. HANSEN: It has this year, and that's
3 only because we have been tracking that.

4 MEMBER CASEBIER: Chances are that \$18
5 million was justified for stuff, projects --

6 MS. HANSEN: All right.

7 MR. CASEBIER: -- which means --

8 MS. HANSEN: Those \$2 million I'm talking
9 about are coming out of what we call MLR project.

10 MR. CASEBIER: So they come out of your hide?

11 MS. HANSEN: They come out of our hide.

12 CHAIRPERSON KEMPER: Dennis, I don't want to
13 put words in Linda's mouth, but that \$18 million I believe
14 included their firefighting budget, which is somewhat
15 different, I believe, is what Tim had told me.

16 MS. HANSEN: Fire budget is separate.

17 MR. CASEBIER: So \$2 million.

18 MS. HANSEN: It's a big hole.

19 MEMBER CASEBIER: So BLM managers must be
20 sitting around the table saying, here is a big list of stuff
21 we are not going to do.

22 MS. HANSEN: There are things that were
23 identified that will not be accomplished for lack of
24 funding. And I don't have a specific list of those, but
25 obviously, there are things that were related to recreation

1 projects, development projects, other things that would not
2 be accomplished this year because of the time that we are
3 spending and because of the cost of the litigation.

4 I do believe our director is going to be
5 testifying -- well, was supposed to testify in front of
6 Congress on the 25th -- that was canceled -- regarding
7 litigation costs in the agency. I'm not sure whether that's
8 been rescheduled. I don't know if it was rescheduled.

9 MEMBER CASEBIER: Without asking you what the
10 numbers are, unless you want to tell us, it's a problem
11 statewide as well as just the California district?

12 MS. HANSEN: It's a problem bureauwide. I
13 mean, when you look at it in terms of the Northwest plus,
14 you know, the Desert, plus other lawsuit initiatives across,
15 you know, the 11 western states, it's an issue westwide.

16 MEMBER FERGUSON: I just have one more quick
17 question. On the budget and specifically dealing with the
18 CBD lawsuit, are you almost done with that or are you going
19 to spend another \$2 million this year on it?

20 MS. HANSEN: Well, the \$2 million I was
21 talking about was what was spent in fiscal year 2002 to
22 date. Actually, with the completion of the land use plans,
23 the issuance of records of decisions, many of those actions
24 which we have been busily trying to meet under the
25 agreement, many of those will end. And we will be focusing

1 then on implementation of the planning decisions.

2 So I look at some of that as being an end.

3 There will be an end, I guess, at some point to this
4 particular lawsuit. That doesn't mean it's going to be the
5 end of all lawsuits I mean, this is just the way it is for
6 Federal agencies, I guess, these days.

7 CHAIRPERSON KEMPER: I will try to move on,
8 but I do have one question regarding budget issues since we
9 are so very close to it. If our budget is \$18 million from
10 the California Desert District, what will the budget have to
11 be after NEMO and NECO are initiated?

12 MS. HANSEN: That's part of what we would
13 like to talk to the Council about tomorrow. But it really
14 depends on implementation and a scheduling of implementation
15 and how quick we can get some of these things done and a
16 realistic look at what we could anticipate being budget.
17 And that's a big crystal ball, but I think there are
18 opportunities to talk about how that might come about.

19 CHAIRPERSON KEMPER: The reason I was asking
20 the question -- I was probably unfairly trying to trap you.

21 We have had this discussion with Mr. Salt and
22 he told us in 1990 dollars, it would take an expenditure of
23 \$100 million a year. And of course, Congress has never
24 approved any of those types of expenditures. But we are
25 saying the problems are going to go away quickly once we

1 have those plans. But it doesn't appear we have a budget to
2 implement them is my concern. Do you want to finish your
3 report?

4 MEMBER ELLIS: Yeah. I have a question. I
5 know during March and in the spring there was a group of the
6 GAO people out here who apparently were doing an audit with
7 respect to expenditure on desert tortoise recovery. I was
8 wondering if you had an update on their activities.

9 MS. HANSEN: The only thing I know about that
10 is they did come to our office and did collect some
11 information from our wildlife biologist. They were
12 compiling information from other locations. I have not seen
13 that report.

14 CHAIRPERSON KEMPER: Any other questions for
15 -- any more questions for the District Manager? We are a
16 little ahead of schedule, and I don't think anybody will
17 mind if we break early for lunch, and we will get back here
18 at 1:15. We will -- it still gives an hour, and we have
19 gained 15 minutes, and we might use it up this afternoon.
20 So back here at 1:15.

21 (Lunch recess was taken until 1:16 p.m.)

22 CHAIRPERSON KEMPER: Back on the record at
23 this time, and we will call will meeting to order.

24 MR. Thomsen: Greg Thomsen. I'm BLM manager
25 in El Centro.

1 What I was planning to do was highlight some
2 of the things on the hand-out out front. However, some of
3 you have asked me about questions on other projects, and I
4 know we have a whole mess of them going on, so if it's
5 something I don't cover, certainly I'm available to talk
6 about it either now or during the break.

7 The first one I wanted to mention was the
8 Border Patrol remote video surveillance cameras. Border
9 Patrol, one of the techniques they are using which is a
10 little bit more high tech, a little less people-intensive,
11 is to place a series of overlapping coverage video cameras
12 along the border. They have done this already on the
13 private lands around Calexico. It helps them a lot in terms
14 of protecting the border. In our mind, it can also help in
15 a number of other things. One is saving lives and another
16 is protecting the desert from a lot of vehicle travel, from
17 smugglers and immigrants and others -- and Border Patrol
18 agents.

19 So the Federal government is involved from the
20 BLM standpoint right now. They have applied to place
21 cameras pretty much from the sand dunes on the east side of
22 the desert all the way to the Hacomba Mountains on the west
23 side. So we are working with them to try and get that
24 finalized with the Fish and Wildlife Service as well.

25 Those of you who noticed in the media, we had

1 a little traffic accident last week on Interstate 8. And
2 that has happened several times by the dunes where smugglers
3 with immigrants in the back of the van go the wrong way on
4 the freeway as a way to get away. So in that case, there
5 were six people killed. So we see this as a project that
6 will really help not only the Border Patrol with their
7 vision, but also public land management.

8 The next item on here and Linda asked me to
9 talk a little bit about air issues. The Council had asked
10 that we keep them abreast of energy projects. I have a few
11 here. One of them is the North Baja natural gas pipeline.
12 If you remember, this is to transport natural gas from
13 Arizona down through eastern California, down into Mexico to
14 fuel some power plants that are under construction near
15 Mexicali. This project is moving along very quickly. It's
16 supposed to be completed and running gas by August 7.

17 There are a number of contracted monitors out
18 on the ground daily. Our staff has gone out at times and
19 identified some additional measures they feel ultimately
20 will need to buy-off on final reclamation. So that
21 certainly is a project that has had a lot of interest.

22 MEMBER RISTER: Greg, I noticed that they had
23 shut down operations for a while while they were retraining
24 their monitors. Can you be specific as to what problems
25 they were encountering that they had to restrain these

1 people?

2 MR. Thomsen: Well, it's such an aggressive
3 project that they have construction going on at pretty much
4 all points along the line simultaneously. So you can
5 imagine with that many construction people and
6 communication, all the measures that they are responsible
7 for, whether it's dealing with tort measures or staying on
8 routes or whatever. There are all sorts of things. And the
9 county, I know, has been working with them. We have been
10 encouraging them to get local permits. And I met with the
11 county planning director Tuesday morning to help get that
12 resolved.

13 I don't know if that answers your question or
14 if you want to go into more detail. One of the major issues
15 on that project was air quality. And the concern is that
16 whatever happens on either side of the border, it's all one
17 large air basin. And it's something that certainly Imperial
18 County was very concerned about and a number of other
19 groups.

20 What we tried to do is facilitate discussion
21 and hopefully get the issues aired. Ultimately the decision
22 was issued at the Assistant Secretary level and also with
23 Federal Regulatory Commission. So I'm not sure we were
24 completely successful by any means on addressing those
25 issues. I guess what we are hoping is based on what is

1 happening, that there will be a lot better dialogue within
2 each country and across the border dealing with border
3 projects.

4 The other two border projects are the Entergin
5 and Semptra power lines that were mentioned earlier by Wally,
6 I believe. As you might notice on here, those were for
7 power lines to transport some of the electricity being
8 generated in Mexico back up into the United States. The
9 rights-of-ways were issued in December. Construction has
10 already been completed in May. There are a number of
11 reclamation issues to deal with on both of those, as well.

12 MEMBER BETTERLY: I was under the impression
13 they moved it up from 230 KB to 500.

14 MR. Thomsen: Could you answer that, Randy?

15 MEMBER RISTER: What they are doing is they
16 are building two lines. Each is 230 to handle that load.

17 MR. Thomsen: Shifting gears here a bit,
18 there is quite an extensive write-up on here on monitoring.
19 I won't go through a lot of details. But it's safe to say
20 there is a lot of resource monitoring occurring. We are
21 typically having two crews going out at 4 o'clock every
22 morning. They are back in the office by 11:00 because of
23 the heat. A few months ago they were working things like
24 springs, Tamarisk removal in the hills, and potential Big
25 Horn habitat. Right now they are working more out in the

1 hot desert because that's when the lizards come out, the
2 fringe-toed lizards or the flat-toed lizards. So they are
3 working on a number of projects, as well as vehicle track
4 monitoring and things like that. So like I say, there is a
5 write-up in here. And if you want more detail on it, I
6 would be happy to answer questions.

7 One of the things that we included on this is
8 our law enforcement efforts. We are quite proud of the work
9 that the rangers are doing. With the dune season over, they
10 have really expanded their patrols all across the resource
11 area. And I think that's helping a lot in terms of creating
12 a better law enforcement presence as well as providing
13 better public service. And they are making a lot of arrests
14 and issuing a lot of citations.

15 It's somewhat surprising to me the types of
16 things they are running into. Out in the eastern San
17 Bernardino County area out by one of our main shooting
18 areas, they recently busted somebody for methamphetamines
19 and I think they confiscated something like 13 assault
20 weapons.

21 Two weeks ago they worked with Border Patrol,
22 I think cooperatively, and they broke up a Rave party and
23 took in some drugs on that.

24 One of our rangers has a board on his
25 partition. He has a bunch of pictures, and he was showing

1 me yesterday about 25 photos of different drug cases he had
2 been involved in just in the last month or two. So there is
3 a tremendous amount of drug efforts, and that's a major
4 interagency effort with a number of state, local, and
5 Federal agencies.

6 Something that we were happy to do this year
7 is we worked with the Imperial County Sheriff over the
8 graduation weekend for high school graduation and tried to
9 make that a safer weekend. And from what I understand, that
10 went well.

11 There is all sorts of search and rescue going
12 on both in terms of trying to work with immigrant lives, but
13 also with recreationists. There was a search yesterday
14 afternoon.

15 This was down in your territory, Roy. I
16 believe there were some campers that might have been a
17 couple days over in Dune Buggy Flats, so we were involved in
18 a search on that.

19 Then lastly, like all federal law enforcement,
20 we have rangers all over the country on national security
21 details. Hoover Dam, Washington, D.C. This next one we will
22 have some at the arch in Saint Louis. That's part of the
23 national focus these days.

24 And I guess the final thing on here,
25 recreational management in Western Imperial County.

1 Recreational use does seem to be increasing, especially in
2 the high desert, Superstition and the Placer City area. It
3 needs more attention, so there are a number of things we are
4 trying to do, both in terms of increasing staffing out there
5 from rangers, but also visitor services people.

6 We have bought a couple of off-road
7 motorcycles to try to have better access. Looking into
8 getting a horse patrol going. I think that's going to
9 happen. And we are happy to say with the Imperial County
10 Aero Squadron, that they are now -- this season they started
11 helping out flying patrols over the sand dunes, and they are
12 expanding that out to the west desert area, as well.

13 And I know there are a lot of other things,
14 but that's what I included, anyway.

15 CHAIRPERSON KEMPER: Any questions?

16 MEMBER LEIMGRUBER: Just a brief comment,
17 Mr. Chair, if I may. Because, again, of the proximity of
18 that arid region, that corridor between -- really almost
19 inclusively Imperial County, we cross the largest amount of
20 illegal narcotics come through that area. And BLM, Border
21 Patrol and all of our enforcement agencies are tasked with
22 one of the toughest jobs that there is. As long as this
23 much money is in this illegal narcotics, I don't know what
24 we are going to do to slow it down. But there is a
25 tremendous amount of that coming through there, and dealing

1 with it with the law enforcement issues is extremely tough.

2 MEMBER RISTER: Greg, are you also working
3 with the commissioner on the water stations for the stranded
4 illegal immigrants?

5 MR. Thomsen: Right. In fact, Randy,
6 fortunately for all of us, they have gotten a lot more
7 organized. They have been at it a few years. John Hunter
8 started the group, and we permitted them the same as last
9 year to install 340 waters in the desert. They have done
10 that, and they are checking them regularly. This year for
11 the first time they also installed winter stations up in the
12 Cleveland National Forest to try to deal with some of the
13 safety issues in the winter.

14 That's something that has been considered in
15 Arizona and New Mexico, but so far hasn't happened.

16 MEMBER ANDERSON: Greg, I have a question
17 with regards to the reports for all the monitoring projects
18 that you have going. When do you expect those to be in
19 shape for public -- I don't want to say review, but at least
20 to be able to get access to a copy? Do you have any idea
21 about that?

22 MR. Thomsen: I don't have a good answer for
23 you now. It probably varies on the project. Some of them
24 are annual monitoring and some of them do require number
25 crunching. I could get back something through Duran. If

1 that's something the Council is interested in, I could get
2 back with you, Ilene.

3 MEMBER ANDERSON: I'm specifically interested
4 in the rare plant portion.

5 MR. Thomsen rare plants.

6 MEMBER ANDERSON: I think that the state
7 botanist, John Willoughby, is -- he has at least in the past
8 been the numbers cruncher.

9 MR. Thomsen: Right. Typically those have
10 not been available until probably mid-winter the following
11 season.

12 MEMBER ANDERSON: Thank you. I have another
13 question for you. And that is, are there any issues that
14 the Council can be helpful in advising you on?

15 MR. Thomsen: Well, we will have two projects
16 on the docket tomorrow. One is the Western Colorado Route
17 of Travel project, and the other is the Sand Dunes Plan.
18 Those are some of the big things. Maybe the Council would
19 like to get into something a little different than just land
20 use planning. Let me think about that because -- do you
21 have any ideas, something you are interested in?

22 MEMBER ANDERSON: Not specifically. You
23 know, I just can see one of the functions for this Council
24 is to advise in an advisory capacity to the BLM, so that's
25 why I am asking.

1 MR. Thomsen: I will think about it.

2 CHAIRPERSON KEMPER: It will probably be
3 difficult to find something you need our advice on. But I'm
4 sure you can find something. Any more questions? Thank you
5 very much.

6 MEMBER ANDERSON: I don't have a question for
7 Greg, but I do have a comment to the BLM in general.

8 You know I have complained bitterly about --
9 when I was first on the Council, about getting these reports
10 the day of the meeting. And again, I will just voice my
11 request that the managers' reports be posted to us prior to
12 the meeting. And I know that developments will have
13 happened between the time that you wrote the report and the
14 meeting time, but it really gives us as Council people an
15 opportunity to review the different projects and perhaps
16 come up with some more cogent questions.

17 CHAIRPERSON KEMPER: Point well taken. And I
18 think we will follow up on that.

19 CHAIRPERSON KEMPER: Hector, are you
20 prepared?

21 MR. VILLALOBOS: Good afternoon, members of
22 the public and members of the Council.

23 You have a written report from me that I hope
24 you all have access to, and I hope that you got it before to
25 review it. And I'm not going to cover everything on there.

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1 I listed just about everything that I thought was kind of
2 important for you to consider or think about. Some of the
3 things that I will talk about, though, is just to give you a
4 heads up.

5 One project that we are going to get on line
6 real soon here is an environmental assessment for CR Briggs
7 Corporation exploration plan. We have been working on that,
8 as you know, probably for about six months or so. We
9 initially sent out a scoping letter to the public. We got a
10 few issues identified. And we have been working with a
11 third-party contractor to develop an environmental
12 assessment, which is done and should be available for your
13 review. We are trying to put it on-line right now.

14 This week I signed a letter and sent it out
15 to about 200 people on our list. And if there is a request
16 for our EA, we will make it available. Again, we are trying
17 to make it available on our website. The project is for an
18 exploration project on part of their claim, which is about
19 3,000 acres, and they will be disturbing about 100 acres out
20 there in the Panamints. And there is a contact listed on my
21 report there, Linn Gum. And you can contact our office. If
22 you can't get ahold of him, contact Randy Porter. He is our
23 geologist. If you can't get ahold of him, get ahold of me.

24 Another proposal that we have made some
25 progress on is the Sanford Stone Quarry Proposal. It's a

1 quarry in the Rands, and it's sort of a Rands shift quarry.
2 The proponent has proposed to expand into an area of about
3 20-acre parcel there of public land. We finished the
4 biological evaluation. What we did was review the Rands-
5 Fremont Management Plan, and had -- basically it's in desert
6 tortoise habitat, and that's why we are looking for
7 biological -- to do some consultation with Fish and
8 Wildlife. And we forwarded our biological evaluation to
9 them. And we will, pending the outcome of that evaluation,
10 we will then proceed on the environmental assessment on that
11 proposal.

12 Something new for you. Three proposals for
13 wind energy projects in the Tehachapis. Two of them happen
14 to be in areas that have already been used for wind power in
15 one way or another. One parcel was not used when it was
16 originally proposed because technologic developments have
17 advanced now. Another proponent has come in to look at that
18 parcel again. And that's part of one of the proposals.

19 Another one is retooling of an area that went
20 defunct awhile back, and the operator was not operating in a
21 compliant manner. So that operator basically lost the
22 operation in that area with the BLM. But another proponent
23 has come in to look at it. And we are very hopeful that we
24 will be able to work with that operator to do some much-
25 needed reclamation in that area, and also to reauthorize

1 wind management in that area, which we think has potential.

2 There is another one that's come in for
3 another parcel. This is in the area that is identified for
4 disposal just south of 58. All of these areas are south of
5 Highway 58 on that highway through the Tehachapis.

6 I also just got, a couple of weeks ago -- you
7 don't have that on our list -- we have another proponent
8 that is looking at an old proposal. I think I mentioned
9 before, it was Florida Light and Power was looking for a
10 proposal in Jawbone Canyon area. And I guess Florida Light
11 and Power had some problems with their proposal, but another
12 proponent has come in and wanted to look at that. And we
13 are going to start talking to them in about a week or so.
14 So you will probably be learning more about that in the
15 future.

16 There are some other projects. I'm not going
17 to talk about them, just highlight a few that are important
18 for you.

19 Surprise Canyon -- there is an announcement
20 out in the lobby out there for scoping meetings for Surprise
21 Canyon. We are planning to hold five sessions in different
22 locations starting in Ridgecrest on July the 29th; July the
23 30th in Bakersfield; July the 31st in Lone Pine; August the
24 5th in Pasadena; August the 6th in San Diego. These are all
25 in a notice that we have on the table back there for members

1 of the public and Council to pick up and kind of know where
2 the places are that we are going to have scoping meetings on
3 the EIS that we are proposing for the Surprise Canyon
4 closure. And we are going to be working to develop the
5 decision down the road to amend maybe the plan on access
6 into Surprise Canyon and other areas there.

7 MEMBER FERGUSON: Hector. One of the things
8 that you don't have on here is the closing comment date.

9 MR. VILLALOBOS: It's on the news release
10 that we have out in the lobby. There is a new closing
11 comment date of August the 30th for those of you -- we sent
12 a new Federal Register notice up to Washington. I can't
13 guarantee when that will be published. They have a backlog
14 of many, many Federal Register notices. Our news release
15 announces the continuation of our comment period until
16 August 30th on Surprise -- those that want to comment, to
17 send us written comments or attend the meetings when we will
18 be having them.

19 I also know that we sent out a mailing list on
20 that. I don't know the exact numbers, but it's in the
21 thousands of notices that we sent out on that public
22 release. I think Duran, do you know how many?

23 MR. SANCHEZ: Thousands.

24 MR. VILLALOBOS: Thousands of them. So I
25 hope -- we probably, you know, in mailing out thousands of

1 them, I'm sure some of you may not be on our list. And so
2 that's why we are trying to make them available here. There
3 are also -- our notice is available on our websites.

4 Let me talk about the West Rand Mountains
5 ACEC. In March the 29th, we had a closure of the West Rand
6 ACEC. It closed about 29 miles of routes within the ACEC.
7 The temporary closure was done through our regulatory
8 authority of AB 341.2. We have put management signs and
9 fences and some barriers that we installed around the ACEC.

10 The issue for closing this ACEC was a high
11 level of noncompliance in the ACEC. We had a survey that we
12 did out there. We found that around 90 percent of the
13 routes that were supposed to be rehabbed or abandoned have
14 still been used heavily in that area. And that resulted in
15 our having to look at that closure.

16 We intend to keep this -- we intend to open
17 this area back up again. It's tied to a decision with the
18 West Mojave Plan on June 30th, I think, 2003. We hope to
19 have some resolution of how to open this area back up. We
20 don't intend to close more routes. We intend to enforce the
21 existing route network in that area of 129 miles of route in
22 that area. And we want to get a higher level of compliance
23 in there. And we are trying to find ways, which I think
24 this Advisory Council might play a role in trying to help us
25 develop some kind of a system to get a higher level of

1 compliance on that designated route system. Not only there,
2 but I'm also looking to get some help on a higher level of
3 compliance in the area across from there along Highway 14,
4 which is the Jawbone-Butterbrecht area.

5 MEMBER DENNER: If the Council will bear with
6 me, I would like to tell a little story about the Rands
7 Mountain area. Maybe, Hector, if I have my details wrong,
8 you can tell me where I have gone astray.

9 Not too many years ago in the beautiful Rands
10 Mountain area, there used to be over a thousand miles of
11 backroad trails and four-wheel drive trails. The community
12 was very supportive of all this off-road recreation use
13 because they got a lot of money out of tourist dollars.

14 If you all remember when we had our meeting in
15 Ridgecrest last year, the BLM there in that area was very
16 proud of how they have closed all but 129 miles of these
17 trails through the Rands Mountains. The same time they were
18 doing that, they rightfully closed a number of hill climb
19 areas as Ridgecrest expands. People don't want to see
20 motorcycles running up and down their backyards. They
21 closed a lot of hill climbs where the kids used to ride
22 their bikes after school, motor bikes and that sort of thing
23 with no mitigation -- there's that word again -- no
24 mitigation for the impact on off-road recreation.

25 Now they have closed all of these four-wheel

1 drive trails, all these motorcycle riding areas in the
2 Ridgecrest area without opening any new ones, without
3 providing any other recreational opportunities that I know
4 of. And guess what. People are riding illegally.

5 What a surprise. The solution to the illegal
6 riding problem? The sheriff in that area has indicated
7 nobody has asked him to help with law enforcement. The
8 solution to the illegal riding problem is more closures. I
9 guess I would ask the question, why didn't you close all 129
10 miles and make the illegal riding problem completely go
11 away?

12 MR. VILLALOBOS: We didn't close all the 129
13 miles of route out there because we didn't think it merited
14 it. I think that the area we closed was the area we were
15 getting the highest level of noncompliance on. The other
16 100 miles out there I think are in an area that's more
17 rugged. And I think the more experienced riders are using
18 that area as opposed to maybe the less, more medium riders
19 are using the easier ride area.

20 As you might remember -- I'm not sure, back in
21 1990, I guess, or '89 was the start of the listing of the
22 desert tortoise in that area. The area we are talking about
23 is in desert tortoise Category 1 area. There was the
24 formation of that ACEC with the conservation plan. Along
25 with that came the development of the Rand Mountain-Fremont

1 Valley Management Plan. And that plan, I thought, was done
2 with a cooperation of TRT, I think it was, or technical
3 review team.

4 That basically in order to get a biological
5 option for continuing to ride in this area, we designated
6 the routes in that area, 129 miles worth. And yes, we have
7 done some things in that area to try and educate people. We
8 have had law enforcement presence out there. We've made
9 special efforts to contact people out there. We have had
10 brochures; we've had maps. And the noncompliance continues
11 to be a problem out there.

12 We have restoration efforts that we did out
13 there. I have forgotten how much hundreds of thousands of
14 dollars was spent on some restoration areas. Some of the
15 monitoring we have done out there, basically the restoration
16 efforts have been disturbed by continuing riding out there.

17 So I think that we need to look at it again,
18 and with your help, come up with a plan to do a better job
19 of educating people, getting better law enforcement, and I
20 think we are coming up with a formulation of that plan. We
21 want to do some more restoration. We want to do more
22 education, and we want to tie it to law enforcement. And I
23 think that we have some ideas on how to continue to make
24 that area available for OHV.

25 MR. DANNA: You have a question.

1 MEMBER FERGUSON: Two comments. One is
2 relating to what -- brain fade here. Basically, we have
3 gone through this time and time again in talking about
4 communication. And I went through all my notes for the
5 Jawbone meetings, the OHV leadership meeting, the Desert
6 Advisory Council meeting. And I stated this in my appeal.
7 Nowhere through any of those meetings was there ever a
8 mention with problems of illegal intrusion and we need help.
9 So I just want to put that out and that was -- I did file an
10 appeal on there, and that was on the appeal. And if this
11 was such an issue and problem, I would think that again, we
12 need communication going on so we know what is going on.

13 My second comment has to do with the decision
14 where it says that you will leave this area closed before "a
15 permanent designated route network through the WEMO planning
16 effort." I am still very, very unclear about this. Does
17 this mean that the whole Rand Plan is going to be reviewed
18 through the West Mojave Plan or just the 29 miles of routes.
19 And this really needs to be clarified.

20 MR. VILLALOBOS: I want to clarify that, as I
21 tried to mention that right now. We are not going to
22 revisit the designated route system in there. We have 129
23 miles worth of route system that has already been
24 designated. We don't want to go and redesignate routes in
25 that area.

1 MEMBER FERGUSON: That does not answer my
2 question. Is the whole Rand Plan being looked at again?

3 MR. VILLALOBOS: No.

4 MEMBER FERGUSON: So why is it so contingent
5 on the West Mojave Plan?

6 MR. VILLALOBOS: If you look at the Rand
7 Plan, you will see in there that Fish and Wildlife
8 recognizes that some of these recommendations for the Rand
9 Area Management Plan Area will require an amendment to the
10 CDCA plan. And some of these things we'll have to visit
11 through the West Mojave. And let me review some of those
12 things that-- major things that we have to do to implement
13 the West -- the plan.

14 For example, one of the recommendations, one
15 was to change classification of some of the land out there
16 from M to L or from -- I keep forgetting the -- it's
17 moderate or -- the classifications that the CDCA plan has in
18 it to limit it, that will require an amendment to do. And
19 that's what we are looking to use the West Mojave Plan to
20 accomplish that.

21 Another one is, for example, to withdraw the
22 area from mineral exploration. That we want to look at
23 through the West Mojave Plan. Another one is to increase
24 the AC -- the size of the ACEC from what it is now by -- I
25 forget of how many tens of thousands of acres. That's

1 another thing that requires an amendment to the plan. And
2 these are the major -- some of the major provisions that
3 were made in the original management plan for the Rand-
4 Fremont Valley area that will require a plan amendment which
5 we plan to do through the West Mojave.

6 There is one thing that we did accomplish
7 under this plan, and that was route designation. We did
8 accomplish the 129 miles of route designation in that area.
9 And that's already been done. That's one aspect that's been
10 done. And we don't want to --

11 CHAIRPERSON KEMPER: For the sake of speeding
12 up the meeting, if we can stay focused on the report, I know
13 we are going to be talking about the West Valley Plan later.
14 And maybe we can save those comments for them.

15 MR. VILLALOBOS: Anyway, just to answer your
16 question,.

17 MEMBER FERGUSON: Does Bill know that this is
18 happening I guess there would be my question since we
19 haven't dealt with this in the West Mojave Plan would be my
20 comment.

21 MR. VILLALOBOS: He will touch on that when
22 he gets up.

23 MEMBER FERGUSON: Just wanted to make sure
24 you knew, Bill.

25 MR. VILLALOBOS: Going on, there is one area

1 that I wanted to touch on that I'm real proud of that we've
2 got going right now. And that's the coming together of some
3 efforts that we have been working on for about a couple of
4 years now. And that's the OHV recreation initiatives. You
5 will see in your write-up there that there are some teams
6 that we are working -- that are working in Ridgecrest.

7 Originally the first team that got started out
8 there was a monitoring team. Their work has been to monitor
9 -- to do some monitoring work through grant money in the
10 Jawbone-Butterbrecht area and also in the Rands. So they
11 have been for a while now doing a lot of monitoring work out
12 there. I don't know when we are going to get some data put
13 together for you and some summaries, but it is coming
14 together. We are looking at plants. We are looking at
15 soils. And it's a requirement under the new California
16 regulations that we have these kinds of monitoring efforts
17 going on in our OHV used areas.

18 The other team that's out there on the ground
19 right now is a restoration team. They have been on since
20 March. Since they arrived, they have been working on a lot
21 of things out there. But the primary thing they have been
22 working on is to identify some areas where we can do some
23 restoration out there in the Jawbone-Butterbrecht area and in
24 the Rands. We want to do some more. And I'm finding out it
25 doesn't take long for an area to need additional restoration

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1 after we got started. The use out there is pretty heavy, so
2 after awhile, we just have to keep going on this kind of
3 thing.

4 The other effort that we got going out there
5 is the maintenance. There is a trail maintenance team.
6 They just got started about a month or two ago, and they are
7 on the ground right now. They have gotten certified on
8 using some heavy equipment, and they started doing some
9 trail maintenance in the Jawbone area, and we hope later in
10 the Rands area, too.

11 And also, our objective is to keep them out
12 there, get started on some real heavy-duty maintenance and
13 restoration work in those areas and try and keep them there
14 for awhile longer. I think we are working with the State,
15 the California BLM State office to find some more funding or
16 to propose more grant money to keep them out on the ground.

17 I have to mention one other thing, and I hope
18 you will bear with me. And this is one thing that I think
19 is important that I will be looking for the DAC to help us
20 on. And that's the development of a proposal that we got
21 started with the County. Last month, we went to talk with
22 the County Representative Jon McQuiston -- Supervisor, I'm
23 sorry, John McQuiston on some ideas.

24 Understandably, the Supervisor is very
25 interested in seeing this communication going between us and

1 the sheriff, and we want to improve on that. There was a
2 suggestion that we try and come up with some kind of a way
3 to get better education, improved law enforcement out there
4 so that we can open up the Rands and not get into the same
5 problem again.

6 We are looking at a possible user pass for the
7 riders to -- all they have to do is maybe get educated on
8 the trail system out there, learn about the do's and don'ts
9 of these areas. And every rider that goes out there,
10 hopefully, will be able to get a pass. Once they get the
11 orientation from us to be able to use and ride in the area,
12 and we are looking for sometime in the future to have the
13 riders out there 100 percent educated as to the do's and
14 don'ts.

15 We want to form partnerships with the people
16 that are out there, the Friends of Jawbone, Smitty's group,
17 CORVA, other groups to help us administer this program. We
18 don't want to rely on just the BLM to administer this
19 program, but we are hoping to get a partnership out there to
20 help implement this.

21 I think there is a need for safety
22 considerations out there, and I think that the sheriff can
23 help orient people on some safety occurrence out there.
24 There have been people that have driven into a mine shaft
25 out there. There are people that run out of gas. They have

1 been wandering around out in the desert without water. And
2 we are really concerned about the safety when they are in
3 these areas. So we are trying to work with the sheriff and
4 other informed partnerships to get kind of a user pass that
5 we can work with people to get better educated, get a higher
6 level of compliance.

7 CHAIRPERSON KEMPER: I have a question having
8 to do with law enforcement and in your area specifically.
9 Isn't your area checkerboarded heavily with private
10 holdings?

11 MR. VILLALOBOS: The Jawbone-Butterbredt area
12 has a lot of -- checkerboarded land on there. And the Rands
13 is pretty solid except for the south in the Cal City (?)
14 Area is pretty solid private land.

15 CHAIRPERSON KEMPER: Does that create
16 problems for you from the law enforcement aspect?

17 MR. VILLALOBOS: Yeah, that creates problems.
18 But we have tried to, you know -- even though some people
19 don't think -- or I won't say that. We have talked to the
20 sheriff. In fact, when the sheriff came in to talk to us
21 two years ago about getting a grant. We told them what the
22 problems were out there. One of them was the checkerboarded
23 land pattern out there. Where they could really help the
24 jurisdictional aspect of BLM is trying to enforce something
25 on private land. And that's one reason why the sheriff, I

1 think, has been working to some degree in the Rands -- in
2 the Jawbone area.

3 CHAIRPERSON KEMPER: Do your rangers or
4 officers have the ability to know when they are on private
5 land and when they are on public land?

6 MR. VILLALOBOS: Well, I think they -- I
7 think they are pretty knowledgeable of reading maps and
8 being able to tell. But some of them are getting GPS units
9 so that they can verify. And you are going to use those
10 more and more. But it is difficult. I mean, I have been
11 out there, and I'm starting to get a feel for what's private
12 and what's not out there. But it's checkerboard, and it's
13 hard to really tell on the ground.

14 CHAIRPERSON KEMPER: Have you ever considered
15 contracting with the sheriff's department?

16 MR. VILLALOBOS: No.

17 CHAIRPERSON KEMPER: Why not?

18 MR. VILLALOBOS: They have offered their
19 help. They are getting grants right now. I don't know how
20 that would work, how we would contract the sheriff
21 department. But we could look into it. I'm not sure how
22 that would work. We are trying to see what we can do to
23 work jointly to maybe contract helicopters for monitoring
24 purposes.

25 CHAIRPERSON KEMPER: Thank you.

1 MEMBER RISTER: Perhaps maybe you could work
2 with Greg on some ideas on how to work with the sheriff's
3 department. He has done a very effective job with our
4 county sheriff. But my question involves Item 13. You
5 indicated that was paid with an OHV grant. Is that
6 Greensticker money?

7 MR. VILLALOBOS: That's the Greensticker gas
8 tax money.

9 MEMBER RISTER: How much was that grant?

10 MEMBER FERGUSON: Actually, it wasn't a
11 grant.

12 MR. VILLALOBOS: 13 is -- let me see. Let me
13 make sure I'm on the right grant. This grant is -- there is
14 about two grants, I think, that have been done with that.

15 MEMBER RISTER: You have one on the 14 and at
16 13.

17 MR. VILLALOBOS: The 14 is our grant that
18 came to the BLM Ridgecrest office, which is about
19 400-some-odd thousand dollars. And the other grant that we
20 have been working under is the ECO grant, and that's with
21 the State office. Originally that was a one-time grant
22 offered by the OHV Commission of \$2 million, but it was to
23 be shared by the whole desert district. And we are piloting
24 some of that work in Ridgecrest.

25 MEMBER RISTER: How much did Ridgecrest

1 actually get on this?

2 MR. VILLALOBOS: I can't tell you because
3 it's been administered by the State, State office.

4 MEMBER FERGUSON: What they had done with
5 that is they had come up with a list of hot spots in
6 different areas that needed focus on. And they had --
7 Jawbone was one of the first areas, and so the \$2 million,
8 like he said the \$2 million got split between the Forest
9 Service and the BLM, or did you get \$2 million each? I
10 think you each got \$2 million. There was \$4 million or
11 something like that. But they got split down the middle.
12 The Forest Service got half and the BLM got half to deal
13 with their troubled areas to get back up to compliance for
14 the state.

15 MEMBER RISTER: Also on 14, you have the OHV
16 grant. And then you have a weed management program also
17 titled 14 on page 5.

18 MR. VILLALOBOS: Oh, I'm sorry. That's a
19 typo. The weed management ought to be 15. That was my
20 typo.

21 MEMBER RISTER: On 15 you show that the burro
22 gathering, you show 567 burros and 7 horses gathered. And
23 you talked down four paragraphs below that about the
24 Chocolate-Mule Mountain HMA. But you also say that in
25 October and November, there is to be another 803 burros and

1 75 horses collected. Is that in the Chocolate Mountain HMA?

2 MR. VILLALOBOS: I don't know. There is a
3 contact there, Dave Sjaastad. He can tell you and give you
4 all the details that you need on where these animals are
5 being gathered, since they are out of my area. And I think
6 what has happened with that situation is that we had a goal
7 set at the beginning of the year to -- that's mentioned in
8 my report there.

9 MEMBER RISTER: It was a thousand to be
10 captured.

11 MR. VILLALOBOS: But we haven't because of
12 the Washington office directives. We were directed not to
13 gather that many. But I believe where we are going back to
14 Washington and asking them that we need to gather some more.
15 But I don't know the specific areas. The contact there Dave
16 Sjaastad. He has been coordinating with the other field
17 managers as to what areas they are coming from.

18 MEMBER RISTER: Okay. Thank you.

19 MEMBER DENNER: Mr. Chairman.

20 CHAIRPERSON KEMPER: Roy.

21 MEMBER DENNER: Two things. One is, I
22 reiterate Randy's recommendation that you talk to Greg about
23 a law enforcement problem, because what you have there is a
24 law enforcement problem. The OHV community was instrumental,
25 along with Wally and the Board of Supervisors, and Sheriff

1 Carter, in getting the OHV Commission to agree to a \$500,000
2 grant to get serious law enforcement in the Imperial Sand
3 Dunes. We are going for \$750,000 this year. It's working
4 very well. For all practical purposes, the law enforcement
5 in the Imperial Sand Dunes I think is under control. The
6 precedent is already in place. It would be very easy for
7 you to apply for a similar grant from the Commission, but it
8 may help to contact the sheriff's office first and get them
9 involved.

10 (Supervisor and Member Mc Quiston enters.)

11 The second thing is -- here he is. I was just
12 going to say I would like to request that we keep this open
13 until Supervisor McQuiston gets here. He may want to have a
14 comment.

15 MEMBER MC QUISTON: I will refrain and have
16 some a little later.

17 MEMBER DENNER: It has to do with what's
18 going on in West Mojave, particularly the Rands and
19 particularly your Board of Supervisors' relationship with
20 the sheriff's office and how that relates to what's going on
21 on the ground in the Rands.

22 MEMBER MC QUISTON: I think I would still
23 prefer to listen, meaning no disrespect, and pick up a
24 little bit on the conversation. I wasn't here this morning
25 during member comments, but at the appropriate time, and it

1 may be before this is over with.

2 CHAIRPERSON KEMPER: Actually, I think the
3 appropriate time is when we discuss the West Mojave.

4 MR. VILLALOBOS: We are certainly looking for
5 ways to communicate better with the sheriff and to
6 communicate our problem areas and to work with them on
7 enforcement out there. And I really have to say that the
8 sheriff so far has been wonderful out there. They have been
9 very cooperative. I think they are doing a very good job.
10 They have been concentrating in one area and allowed us to
11 concentrate in the other area where there is more public
12 land than private land. But I'm looking for ways to improve
13 that. And I think, you know, with the idea of maybe looking
14 at making them a partner out there to help us administer a
15 program out there. It will be good for us to be able to
16 reopen that area, get higher level of compliance, and it's
17 one of the very key components to getting a higher level of
18 compliance out there.

19 CHAIRPERSON KEMPER: Hector, does that
20 conclude your presentation?

21 MR. VILLALOBOS: Yes, I think I've been told
22 umpteen times that I'm out of time.

23 CHAIRPERSON KEMPER: Yes. I appreciate you
24 taking time to answer questions. Is Molly here?

25 MS. BRADY: He wants to go first.

1 MR. JOHNSON: I have to go to the airport at
2 3 o'clock.

3 CHAIRPERSON KEMPER: If I held you up --

4 MR. JOHNSON: My name is Harold Johnson. I'm
5 the recreation branch chief in the Barstow Office. Tim Read
6 was not able to be here. He will be here tomorrow.

7 I must confess, Jon, I'm glad to see you. It
8 was announced earlier that you had died. And being an old
9 rock hounding friend of mine, I'm glad you didn't.

10 I am guilty of getting this report in late.
11 It didn't get over here until this morning. So I apologize,
12 Ilene. The reason for that is Tim was gone, and Duran sent
13 it to him. And I didn't get into his computer to find it.
14 I'm not going to go over everything on here, but you might
15 be interested in them. However, I do have a comment to make
16 about something that's not in this report at the end.

17 I'm happy to announce the first thing under
18 the weed control, that after 13 years of removing Tamarisk
19 from Afton Canyon we are 175 acres from completing the job,
20 and there was a lot in there. So at that point, we just
21 have to go in and treat the stuff that may come in from seed
22 sources further along. So that's something we have been
23 working on for 13 years, and we can see the end in sight.

24 We did have a fire on March 4th up in the
25 lower Amargosa River Canyon. It wasn't a very big fire, 120

150

1 acres total, but it kind of told us that this was going to
2 be a tough fire season, and it's turned out that way. 120
3 acres in the scheme of things in the United States is
4 nothing.

5 We -- there was some talk about the Wilderness
6 Bill that Senator Boxer is putting forward. And what we
7 have been working on -- in fact, the entire district is
8 putting together a package for our Director in case she is
9 called to the Hill to testify on that bill. So that's one
10 of the things we worked on last week. And it's going to be
11 an ongoing thing because I heard people say, "You don't have
12 maps." Well, we have maps, but they are faxed maps and we
13 might as well not have maps.

14 One of the things that I did want to mention
15 that's not on here, and it ties in with with our law
16 enforcement on the back. The Imperial Sand Dunes is the big
17 sand play area of Southern California, but we happen to have
18 the other sand dunes, Dumont Dunes. And we scramble around
19 every year to make sure that we have enough rangers to go up
20 there. We actually get rangers -- we have had them from
21 Oregon, Nevada, Colorado.

22 We have been working hard for the last eight
23 years to make sure Dumont Dunes is a safe place for family
24 groups. We don't get into the lawlessness that ended up
25 happening in Imperial. We work with the San Bernardino

1 County. Last Presidents' Day weekend we had 11 sheriffs'
2 deputies, and 11 BLM rangers and we had 11 emergency medical
3 services up there. We had -- on Saturday, there were 23,000
4 people on 10,000 acres. So if you were to -- it's roughly
5 equivalent to what you get down at Glamis, sizewise. We had
6 every helicopter from that area tied up at one time on that
7 Saturday, flying bodies over to the Las Vegas Medical
8 Center. If they needed helicopters for crash along I-15
9 they had to get them from San Diego. I felt like an air
10 traffic controller.

11 So I guess what I am saying is I understand
12 where people are coming from when they talk about Imperial
13 Sand Dunes, but don't forget there is another big sand
14 player. Mike Errands, my off-highway vehicle coordinator,
15 and I are going to be working very closely with Greg,
16 because every time Greg steps on the balloon down there, it
17 bulges out up here. When you put fees in, more people came
18 to Dumont. When they clamp down, more people get to Dumont.
19 We don't want our situation to get out of control.

20 Does anybody have any questions about anything
21 going on in Barstow.

22 MEMBER SMITH: Could you describe for us the
23 effect of the Tamarisk eradication on the riparian
24 condition?

25 MR. JOHNSON: Well, a couple things. You

1 have -- the native plants are once again able to compete.
2 We do go in and plant willows and cottonwoods, and Tamarisk
3 used up about 4 or 7 times as much water as native
4 vegetation. So what we have experienced in Afton Canyon is
5 there is much more surface flow because the water is not
6 being sucked up by the Tamarisk. There is more available
7 for wildlife and for native vegetation.

8 MEMBER LEIMGRUBER: Just a follow-up
9 question. What method are you using for that continued
10 eradication.

11 MR. JOHNSON: You are talking about the
12 getting rid of the resprouts coming up?

13 MEMBER LEIMGRUBER: Right.

14 MR. JOHNSON: We spray a herbicide. We use
15 Roundup and Pathfinder for the initial treatment. We have
16 used a number of eradication methods. I remember when we
17 first started out in '90, we had a big burn out there. And
18 if you have enough -- if you have enough build-up underneath
19 the stand, you run a fire through it and you can kill about
20 85 percent of it outright. I had a guy call me from the
21 lower Colorado River area. And he said, "How do you get rid
22 of the Tamarisk down there?" I said, "Set a fire." Of
23 course, it probably would burn up everything down to the
24 Mexican border if you did. And then we have used crews to
25 go in. It's very labor-intensive the way you do this. You

1 go in and you cut it. But we have also been very lucky and
2 gotten a lot of grants, as mentioned in here, from NIPWITH
3 and the State of California.

4 MEMBER DENNER: I would suggest that you be
5 careful you don't eradicate too many of those plants or they
6 will become an endangered species and we will have those to
7 deal with too.

8 MR. JOHNSON: They are not native.

9 MEMBER RISTER: Neither are burros.

10 MEMBER DENNER: I don't know of it, but there
11 may be a California non-native plant society. Is there?

12 MEMBER ANDERSON: Not today. Not yesterday.
13 I have one question. I had a question for you, and I'm not
14 sure if you are cognizant, but it has to do with the
15 rattlesnake grazing allotment and the fencing project that's
16 going on up there. Do you know anything about that, first
17 of all, or should I -- I was just wondering what the status
18 of that was.

19 MR. JOHNSON: There are actually a couple of
20 fencing projects. It depends on which one you are talking
21 about. The one that's on the northwest side, we are waiting
22 for -- that's a fence so the cattle can't get to the Parish
23 Daisy. We are waiting for the biological opinion from the
24 Fish and Wildlife Service, waiting for some time.

25 MEMBER ANDERSON: Where is the other one?

1 MR. JOHNSON: There is another one that we
2 are looking at which is down in Section 22 to keep the
3 cattle from going onto the forest and attacking the
4 endangered species that are on the forest.

5 MEMBER ANDERSON: Is there an environmental
6 review process for that?

7 MR. JOHNSON: There is one being written now.
8 This just came to our attention.

9 CHAIRPERSON KEMPER: What kind of posture
10 does a cow get in before it attacks an endangered species.

11 MR. JOHNSON: Down, and then leaps. Haven't
12 you seen your cattle leap? Anything else?

13 MEMBER CASEBIER: You talk about these
14 helicopters running back and forth with all these injured
15 people. Are people getting killed out there?

16 MR. JOHNSON: Some do.

17 MEMBER CASEBIER: How many a year do you get?

18 MR. JOHNSON: Oh -- I almost said on a good
19 year -- in a bad year, we probably have four people.

20 MEMBER CASEBIER: Actually getting killed?

21 MR. JOHNSON: Yeah.

22 MEMBER CASEBIER: What about falling down
23 mine shafts? Are people getting killed in mine shafts?

24 MR. JOHNSON: I can remember one in the 14
25 and a half years that I have been there in Barstow. What we

1 try to do is to mark the mine shafts in areas where --
2 certainly we can't mark them all, but if it's a shaft where
3 there is a lot of use, for instance, in El Mirage, we fence
4 a lot of mine shafts so people can tell they are there. I
5 can only remember one person falling in a mine shaft.

6 MEMBER CASEBIER: Not just Barstow?

7 MR. JOHNSON: Well, Barstow. I'm sorry.
8 Public land in Barstow.

9 MR. CASEBIER: Is Hector still there? Have
10 you had people killed up there falling down mine shafts?

11 MR. VILLALOBOS: I don't know of any that
12 have gotten killed, but this one incident that happened just
13 recently. Teen-aged boy went over a little knoll and
14 dropped into a mine shaft on private land.

15 MR. CASEBIER: Was he killed?

16 MR. VILLALOBOS: No, he wasn't killed.

17 Luckily, he was saved just by the debris that he was
18 dragging along with him on his way down. He fell down about
19 150 feet down into this hole, and it was -- if it wasn't for
20 his gear and the debris that he caught himself up in, he
21 probably would have fallen another couple hundred of feet.

22 They are a hazard out there. They are on
23 private land; they are on public land. We try and do
24 fencing of those sites out there, but that only lasts so
25 much. Sometimes the fencing gets vandalized or has

1 maintenance requirements.

2 MR. CASEBIER: But there are not a lot of
3 people getting killed, anyway.

4 MR. VILLALOBOS: No, but certainly a
5 potential. I will give you another example. We have a hole
6 that we fenced off several times near Ridgecrest, and that
7 hole is now filled with two vehicles. We are trying to seal
8 up that hole. And I mean, it has the potential. And I know
9 that there has been fatalities in mine shafts in other
10 places. And we have been lucky not to have them.

11 CHAIRPERSON KEMPER: Hector, I hate to cut
12 you short, but we are running further and further behind.
13 But thank you.

14 MS. HANSEN: I might add that the managers
15 will be around the rest of today and tomorrow at breaks and
16 whatever. If you have additional questions, you might want
17 to catch them then so we can keep this moving.

18 CHAIRPERSON KEMPER: And while Paul is
19 getting ready, I have had a couple of requests, wanting to
20 know if people in the audience could talk to individual
21 managers. And I would suggest we do it at that time so we
22 could stay on schedule.

23 MS. BRADY: First, I just have to do
24 something. Excuse me. Molly Brady. I'm from Needles,
25 California. You have heard of it; right? Congratulations.

1 It's always great to have a new person, though, really. And
2 you know what? I hope you are opinionated because I think
3 that's what we want you here for is for you guys to express
4 your opinions. That's not in a pejorative manner.

5 CHAIRPERSON KEMPER: This is not a popularity
6 contest.

7 MS. BRADY: By having new members this group
8 always changes. Jeri knows where we are. She comes out
9 there and she is terrific, and so I really am glad to have
10 both of you in this group.

11 I also did want to tell Ilene that you are not
12 the oldest member of the DAC. You may have the longest
13 tenure, but just looking around, you are not the oldest.
14 You are probably the youngest. They may have aged, and Ron,
15 congratulations. This in your own terminology. It's a
16 tough job, sort of like herding cats, feral cats.

17 CHAIRPERSON KEMPER: Pushing the chain up a
18 little.

19 MS. BRADY: And Dennis, I hope I can always
20 be as candid as you want us to be. I sincerely agree with
21 you. I think that's the most important thing for you and us
22 to be candid. Sometimes it's hard because I can get in
23 trouble for saying some things up here. I bit my tongue at
24 the last meeting we had.

25 Sometimes we, as you know, don't make final

1 decisions either, so it's hard. But I really do enjoy
2 coming before this group. I think you are a great group.
3 You have terrific potential.

4 I did want to mention a couple things that are
5 not in my report. And it basically is follow-up to what Roy
6 was talking about with respect to his letter, because as a
7 result of the last meeting, if you will recall, Mike Freeman
8 came before this group and did make a proposal for deleting
9 certain areas surrounding Nipton from the DWMA in order for
10 him to promote an exchange which would result in a
11 conference center, environmental education conference
12 center. We made that change in the NEMO plan. We modified
13 boundaries. And it was in part because of the influence
14 here. And that was a unanimous vote by this group.

15 Another thing that resulted from the last
16 meeting indirectly is we had a TRT. I sometimes think that
17 the technical review teams, TRTs, are one of the most
18 effective ways of getting things done. And as Ron had said,
19 we had a TRT on grazing issues. And we did incorporate into
20 the NEMO and NECO plans both a provision that would allow
21 for doing an experimental management zone on those
22 allotments where we identified some kind of research
23 opportunities.

24 So that is still an opportunity for us to do
25 that. And furthermore, as a result of that TRT, they had,

1 among other things -- there was a lot of input into the
2 decision but one of the things that that technical review
3 team also recommended was the elimination of Clarke Mountain
4 Herb Management Area because those burros were going to
5 contribute to the adverse impact on the desert tortoise,
6 and we did in fact propose a preferred alternative that we
7 eliminate the Clarke Mountain Herb Management Area.

8 So I do want you to know that your
9 recommendations do in fact make a difference, and they do
10 get incorporated. It's the ones, of course, that we look
11 like we are not listening to that really get people upset.

12 I would like to add -- because there was so
13 much -- just one recommendation to the group. I think you
14 should at the end of this session set aside some time to
15 talk about the agenda of the next meeting. I would like to
16 recommend, if it's not already on the agenda, that you also
17 consider setting aside a time for a workshop. Not a public
18 meeting but a workshop where you talk about how you want to
19 operate. It's operational. It's more how you want to
20 operate. Do a little team building and stuff like that.
21 And I think that we would be more than willing to help
22 support that.

23 Anyhow, on my report I think one that many
24 people are interested in is the Cadiz project. We are
25 almost to decision, and I checked today. We still have not

1 gotten a decision from Washington, however. The Record of
2 Decision is back there being refined, and we expect any day
3 now to have a final decision.

4 As has been mentioned by several people, water
5 issues are becoming more and more important. I think we
6 came in as No. 3 in the state in terms of priorities of a
7 water research project to do some additional inventory on
8 desert water resources.

9 One thing that's not on my report was a little
10 bit of background on the Chemehuevi planning effort. This
11 was brought to mind in part because the Chemehuevi planning
12 effort was for a special recreation management area and for
13 consideration of establishment of an open OHV area in the
14 Chemehuevis. That at one point was part of the NECO plan.
15 It wasn't possible to get it completed in concert with the
16 NECO plan consistent and currently with the planning effort
17 that Arizona is undertaking for their resource management
18 plan, because it does involve some of the land that Arizona
19 is managing.

20 So we are currently developing inventory data.
21 And in fact, the OHV, a portion of that \$2 million is being
22 used to do the soils inventory. One of the biggest issues
23 in the Chemehuevi open area consideration is the issue of
24 air pollution, so there will be scrutiny of air quality
25 impacts as well as soils impacts from the particulate plan.

1 Another thing is there is a lot of really
2 terrific resources down there. It's a good area for rock
3 hounding. It's also a very popular equestrian area. It
4 also has a lot of cultural resources, so we will also be
5 trying to get a more thorough cultural resource inventory.
6 We have partial inventory. That wasn't on my list, so
7 rather than going into anything else on my list, I will open
8 it up for any question on the things I didn't report.

9 MEMBER RISTER: Molly, on the proposed
10 guzzlers for the sheep holes, I understand that the final
11 decision is anticipated. When do you think that will be?

12 MS. BRADY: The EA on that is going to go out
13 to the public for a review prior to making a final decision.
14 So I think we are looking at a 45-day public review before
15 we could go out with a final decision. That's the final --
16 what I call the draft-draft is going now to the Fish and
17 Game for their final review sometime this week, like today.
18 And so I expect they will have it back in a week or so with
19 whatever modifications. And then we will probably be going
20 out to the public.

21 MEMBER RISTER: Did you fly a second
22 allotment of water into the suds hole?

23 MS. BRADY: Yes. 4500 gallons.

24 MEMBER RISTER: What has been the cost of
25 those three drops?

1 MS. BRADY: I'm going to say about max,
2 \$20,000, but I don't have the final figures on the latest
3 one. It's because we are using the helicopters. We had a
4 lot of problems with the latest ones because of the fires.
5 It was hard to get a flight manager to handle that. We had
6 agreed to keep the waters, the guzzlers, the water fountains
7 full pending the development of two additional --
8 consideration of the development of two additional in the
9 wilderness area. It's very controversial because it's
10 wilderness. So I don't expect it's going to be easygoing in
11 terms of trying to provide the rationale for doing this.
12 However, we did say that pending that, we would do these
13 fills. We would keep the existing two waters filled. We
14 didn't realize we were coming into such a drought year. We
15 will fill in two more months.

16 MEMBER RISTER: Does that money come directly
17 out of your budget or do you get special funds?

18 MS. BRADY: It's coming out of challenge
19 cost share. And that's really part of our regular
20 appropriation. And we put it in as a challenge cost share
21 project with the California Department of Fish and Game, and
22 it was identified as one of the ones that the BLM would fund
23 this year.

24 MEMBER DENNER: Two quick questions, Molly,
25 both on the Cadiz Water Project. First one is who is it

1 that makes the final decision? Is that BLM or Fish and
2 Wildlife?

3 MS. BRADY: The right-of-way grant, as well
4 as the plan amendment are decisions of the BLM. The Fish
5 and Wildlife Service doesn't have any decision making
6 authority in this. They just were consulted. There was a
7 biological opinion that they prepared on the project.

8 MEMBER DENNER: Did that biological opinion
9 approve of the project?

10 MS. BRADY: They don't really approve the
11 project. They make determination that there was no --

12 MEMBER DENNER: No jeopardy.

13 MS. BRADY: No jeopardy determination. And
14 they had terms and conditions that they recommended.

15 MEMBER DENNER: Second question is, If the
16 decision is made to go ahead with the project, do you
17 foresee lawsuits coming from the environmental community?

18 MS. BRADY: Yes, I do. You asked my opinion.
19 Yes, I do.

20 MEMBER SMITH: Molly, would you describe as
21 much as you can why the Department of Fish and Game wants to
22 put in these guzzlers?

23 MS. BRADY: Their concern is that the desert
24 bighorn sheep population needs to be spread out more in that
25 area. They want the waters to spread them out. I'm going

1 to get the name -- there was a bear claw in the suds hole
2 existing waters there are not adequate, on the one hand, and
3 also it's creating too much impact in and around those areas
4 so they want to spread them out to support the population.

5 I will say that our desire has been a
6 metapopulation plan to be developed for the metapopulation
7 where we have some estimates of projected population desired
8 and the amount of water developments needed overall in the
9 total range to support that population. There is a
10 commitment from Fish and Game to do that planning effort.
11 We will participate in that with them.

12 MEMBER RISTER: For a total of six? We were
13 looking at six guzzlers, but two as emergency.

14 MS. BRADY: But that's just the proposal for
15 the metapopulation plan. We are looking at a plan which
16 would really provide the framework for not just the six but
17 for the whole population that's affected in utilizing these
18 waters. Basically, other priorities.

19 CHAIRPERSON KEMPER: I'm going to wear two
20 hats. First as a chair, we really need to move on.

21 Second of all as a rancher, I'm going to ask a
22 question, but if you could keep it short, I would appreciate
23 it.

24 You also manage other areas that have bighorn
25 sheep populations. For example, the Kingstons. The waters

1 that are being managed there, are they being managed by the
2 BLM or by a livestock producer?

3 MS. BRADY: Maybe. Was that a short enough
4 answer? You have a reason you want to ask this question,
5 because you are managing some waters that you feel are
6 contributing, and you do manage some waters.

7 CHAIRPERSON KEMPER: What does that cost the
8 BLM?

9 MS. BRADY: Nothing.

10 CHAIRPERSON KEMPER: Any other questions.
11 Bill?

12 MEMBER BETTERLY: Molly, you mentioned that
13 there was going to be a study of the California desert
14 soils, did you say?

15 MS. BRADY: There is a soils survey being
16 done in the Chemehuevi Wash area.

17 MEMBER BETTERLY: Wasn't there one done a few
18 years ago by Babcock and Sons all through the desert area
19 and in that general area?

20 MS. BRADY: Not that I'm aware of.

21 MEMBER BETTERLY: Done by Babcock and Sons
22 for the Bureau of Land Management. Gary knows about it
23 because he is the one that ordered it.

24 MS. BRADY: I'm not familiar with that. If
25 anybody else is --

1 MR. KENNA: Before going there, I will try
2 and answer some of the questions or remarks that have come
3 up that relate to the Palm Springs-South Coast Area. One on
4 sheep. Randy, I think, was giving some statistics relative
5 to other areas. I would note for people's information that
6 we are at a plus 6 in the Northern Santa Rosas, and in a
7 plus 2 in the San Jacintos. Both of those are well-watered.
8 We have three new waters in the Northern Santa Rosas and
9 that may be contributing. Of course, in the Northern Santa
10 Rosas we started with 17. And you do see a certain amount
11 of attrition every year. We are hopeful to get those six
12 through to January 1, where they actually become
13 encountered.

14 Second one was on the DMG project that Paul
15 referenced. I'm the lead manager for that. If anyone has
16 an interest, on the pilot project we are working with a
17 number of other partners, including Patton Museum at
18 Chiriaco Summit, but also County Parks and State Parks are
19 participating. So it isn't just the federal managers. And
20 I wanted to make note of those other partners.

21 The third thing that has come up is an awful
22 lot about air quality. And we will tell you where we are in
23 the Coachella Valley. The state implementation plan process
24 is nearly complete. BLM did participate with the county and
25 with the cities. One of the areas of concern under the

1 state implementation plan guidelines is disturbed vacant
2 land. We will be contributing in part on that, and I will
3 try and cover some more of that in the Coachella Plan. But
4 all of the people in the Coachella Valley are being affected
5 in one fashion or another. Agriculture, building industry,
6 and the county and the cities as well.

7 And for those of you who don't know, one of
8 the Clean Air Act implications, because we are going back
9 for an extension on a previously approved, one of the issues
10 at state is Federal highway funding. And certainly for the
11 Coachella Valley, the interchanges, for those of you who are
12 familiar with those, are very much in need of some work. So
13 there is a good deal of impetus to get this thing done.

14 The last one that I will mention is a very
15 brief remark and has to do with relationships with the
16 Riverside County sheriff, at least in our case in the
17 Coachella Valley and to some degree also in South Coast. We
18 have very, very good relationships, particularly with
19 Riverside County. We share radio systems. We engage in
20 joint operations on a regular basis. Many of our officers
21 have dual delegations from the county sheriff. So I think
22 in our case -- and we also have a number of joint
23 operations. And one of them actually came forward for an
24 OHV grant with Cathedral City. So I do feel pretty good
25 about our relationship with local law enforcement at this

1 particular point in time.

2 Let me go to the bigger, more regional policy
3 level kind of things going on. We did agree to keep
4 everybody abreast of energy issues, and I will give you an
5 update on those very, very quickly.

6 We have one new proposal for a major power
7 line. It's Palo Verde to Devers. It's another one of those
8 connectors into Southern California. It would be a 500 KB
9 line. It's actually part of fuel projects that first
10 surfaced in the 1980s and were approved at that time. But
11 the second phase was never built, and since that time, the
12 tortoise has been listed.

13 There are also issues on the Arizona side with
14 Copa Game Range. So we will be working with the Phoenix
15 office and with the Yuma office.

16 The CalPine power plant, they will go ahead
17 and we will be finishing as a participator in that EIS.
18 There are -- one of four projects that are still being
19 worked on by CalPine will go forward. It hasn't been
20 decided which one. The CalPine project on Old Time Mesa in
21 San Diego County does now have state approval, so there
22 should at the end of this whole thing be two CalPine
23 projects that I'm aware of.

24 The project -- the wind turbine low-head
25 project with Marks Technology has now split. And the wind

1 turbine part of the project is now separate and is moving
2 ahead with the backburner low-head hydro part of it.

3 The IID power line is in a redesign phase. We
4 expect next week to get a new right-of-way application,
5 probably with a different route and perhaps with a different
6 design. It has been a 500 KB line project. It was
7 initially designed to be routed over the Chocolate
8 Mountains. Department of Defense has denied the access as a
9 nonconforming use on that, so they are in a redesign phase.

10 The only other major one I would mention is
11 the Valley Rainbow project which is an intercounty project
12 between Riverside and San Diego Counties, and all of these
13 things are designed to improve the grid.

14 We are working with the state PUC. We are
15 trying to go through the purpose and need part of the
16 project, and there is a sifting of alternative routes, and
17 there are 30 in that sifting process.

18 That's it on energy unless anybody has any
19 specifics or questions as far as an update. And your point
20 is well-taken as far as the timing of this. I updated this
21 about roughly a month to six weeks ago, and a lot has
22 happened since then. So most of what I told you is not in
23 the report.

24 The second thing I would talk about is water.
25 And what I would wanted to highlight is related to what

1 Wally was talking about. There are some parts of the
2 California 4.4 Plan related to the quantification settlement
3 agreement that basically turn into a pumpkin on December 31
4 of this year. So decisions must be made on those elements
5 in order for California to retain approximately 7,000 to
6 8,000 acre-feet of water that currently services the South
7 Coast area, which includes L.A. and San Diego.

8 So there is potential to affect as much as 30
9 percent of the supply going into that area. It's a very
10 significant issue. There were four major water districts
11 involved. The Department of Interior is obviously involved
12 because of their declaring a surplus in order for California
13 to use that water. The Basin States have generally agreed
14 on what's called a soft landing for California, which allows
15 15 years to get back to the 4.4 million acre-feet
16 allocation. But that is contingent on a number of actions
17 happening by the end of this year. It's a very, very
18 complicated thing.

19 There are at least 12 or more projects that
20 are directly or indirectly related to the quantification
21 settlement agreement, and there are lots of complicated
22 parts, moving parts to it.

23 I will touch on just almost a laundry list of
24 some of the things that are ongoing that relate to BLM at
25 this point.

1 One is groundwater storage, which you heard
2 the Cadiz part of it. But there are at least three other
3 elements of it at this point that need to be discussed. One
4 is Hayfield. Another is Chuckwalla Valley area, and a
5 third, along Highway 111 in Palm Springs. There is a canal
6 lining portion which is pretty well along. It relates to
7 BLM in that the primary site for much of the mitigation is
8 at Dos Palmas. There are also some surface reservoir
9 projects that will affect BLM and will involve some
10 consultation issues.

11 What many have characterized as the largest
12 unresolved water issue relates to the Salton Sea and
13 restoration and inflows into the sea. That has connections
14 to the water transfer that Wally talked about, so there is
15 some very high-level policy issues. There is also an air
16 quality component to that particularly related to PM-10 and
17 the health effects of that, in addition to the quality of
18 life effects.

19 There are also a couple of Indian water
20 settlements related to the project. And also the number of
21 households, I mentioned, from the urban side, but there are
22 also agriculture issues related to fallowing in both
23 Riverside and Imperial Counties. So that's as best a
24 thumbnail as I can give of a very, very complicated
25 situation, but I wanted to give you a heads up simply

1 because it's very timely and it's moving quite rapidly.

2 MEMBER SMITH: Is there a proposed water
3 project north of Desert Center around the corner from Eagle
4 Mountain?

5 MR. KENNA: That is one of the sites,
6 Chuckwalla Valley area that I was mentioning.

7 MEMBER ELLIS: Is there BLM involvement in
8 this proposed -- I think it's called Joshua Hills
9 development, this large proposal just south of Joshua Tree?

10 MR. KENNA: Yes and no. The primary
11 approvals or whatever happens to it is going to be in the
12 County's arena. There could be BLM power lines, roads, and
13 that sort of thing.

14 CHAIRPERSON KEMPER: Thank you.

15 MR. KENNA: Thank you.

16 CHAIRPERSON KEMPER: Okay. I think we are
17 ready for the next item on the agenda, which will be the
18 West Mojave Plan Overview.

19 MR. HAIGH: I guess we are ready to go.

20 I'm Bill Haigh, and I'm the project manager
21 for the West Mojave Plan. And what I would like to do is
22 spend the next hour and a half talking about -- or two hours
23 talking about, rather, is give you an overview of the West
24 Mojave Plan and talk to you a little bit about some of the
25 conservation strategies developed over the last few years.

1 It's a very opportune time to talk about the
2 West Mojave Plan because we are in the home stretch.
3 Between now and June 30th, 2003, we have to complete the
4 West Mojave Plan. And that means putting a document out,
5 draft plan and draft environmental document for public
6 review this November.

7 Right now we are in the middle of a whole
8 series of seven public scoping meetings. We are going
9 around to the public. We are taking the proposals developed
10 over the last two and a half years by all our working groups
11 in saying what issues should we look at in our environmental
12 study. What kind of alternatives to those proposals should
13 we be considering in the environmental review? And after
14 the conclusion of that, our staff will get together, put
15 together the environmental documents, spruce up the final
16 bits of the plan, and put it out on the streets for public
17 review probably about the beginning of November.

18 So you might almost consider this in addition
19 to the seven other formal scoping meetings because any
20 comments you might want to make today or submit after this
21 in writing to us over the next two or three weeks prior to
22 July 19 can be considered by the planning team who are
23 putting together the environmental review.

24 The way I'd like to do this today is in four
25 parts. I would like to begin with a little slide show on

1 what the West Mojave Plan is. Kind of what is Mojave Plan,
2 what are some of the issues we have been grappling with,
3 what is the conservation strategy.

4 After I have done that, I would like to turn
5 the meeting over to Ed LaRue. If you could raise your hand.
6 He is our lead tortoise and Mojave ground squirrel
7 biologist. And he'll talk a little bit about conservation
8 strategies and some of the work we have done, the data that
9 has been collected on the Mojave ground squirrel and he can
10 answer you questions.

11 Then perhaps after the break, we could go to
12 Dr. Larry LaPre over here. He is the guy who is the
13 biologist who is sort of the expert on everything else
14 besides the tortoise and ground squirrels: Birds, plants,
15 small reptiles and everything else.

16 And finally we will wrap up with Les Weeks.
17 He is the lead recreation planner for the West Mojave Plan,
18 and he will be talking about motorized vehicle access, route
19 designation on the ground surveys we have done over the last
20 year and the efforts we have done to actually come up with a
21 motorized vehicle access.

22 So that's how I would propose doing it. As
23 far as timing, I would like to see if we could wrap up by 5
24 o'clock sharp because we have public scoping meeting No. 3
25 starting at Victorville, so I have to clear my folks out of

1 here in order to make it down to the GreenTree for the 6
2 o'clock meeting.

3 CHAIRPERSON KEMPER: Just to talk about
4 scheduling a little bit, what we are doing here the rest of
5 the afternoon, what we need to do is have your portion of
6 it -- and I mean yours -- being the staff's, finished up no
7 later than hopefully 3:45.

8 MR. HAIGH: I was actually thinking we could
9 do each of our 15-minute presentations and have about ten
10 minutes for questions and move on to the next person. We
11 could do it that way, or we could just run them all straight
12 through.

13 CHAIRPERSON KEMPER: Fifteen minutes, and we
14 will try to hold work through the break.

15 MR. HAIGH: And we would be very
16 understanding if you want to cut us off in mid-sentence.
17 That would be fine.

18 CHAIRPERSON KEMPER: It's important that we
19 get all the information and get a copy of the draft plan,
20 and we can probably be more productive during the next
21 meeting.

22 MR. HAIGH: Exactly. And we do have a
23 document that summarizes the conservation strategies that
24 constitute our proposal, and you will have that in front of
25 you first thing tomorrow morning. We have a whole bunch of

1 new copies, and so you can look at those at your leisure
2 over the next three weeks. If you want to get any comments
3 we have a normal deadline for submitting thoughts to us
4 about the environmental document of July 19th. But we are a
5 pretty informal crew, so you can really get ahold of us at
6 any time. And call us all the way through the process.

7 CHAIRPERSON KEMPER: Just a question for the
8 District Manager. As the Advisory Council, are we held to
9 that deadline?

10 MS. HANSEN: If you want to get your comments
11 in during the formal scoping process, yes. However, having
12 said that, this Commission or this Council, when this
13 Council meets, you will continue to have opportunities to
14 address what is going on with these planning efforts, and we
15 can take anything you want to give us at that point in time.

16 So while we have to hold the formal dates so
17 that we meet the procedural requirements, we also -- we
18 always take any information that they want to provide to us
19 in the interim. If you want to have a definitive response
20 on anything you support, then we need to have that within
21 the formal time frame.

22 MR. HAIGH: Again, what we are doing right
23 now is thoughts to guide us, help us out as we are putting
24 the environmental impact statement and report together. The
25 actual time for formal public review of the proposed plan

1 and EIS will be this winter during the 90-day public review
2 beginning in November. We will have a whole round of public
3 hearings I would say probably right around the first of the
4 year.

5 So with that, I would like to move on to our
6 slide show. Duran, if you could lower the lights.

7 Okay. All right. To the West Mojave Plan.
8 What is the West Mojave Plan? Well, it is not a BLM plan,
9 per se; rather it's an interagency effort that's being put
10 together collectively and collaboratively by the cities,
11 counties, states and federal agencies out here in the
12 Western Mojave Desert.

13 The purpose of this program is to come up with
14 a conservation strategy to protect and conserve threatened
15 and endangered plants and animals here in the Western Mojave
16 Desert. We have about 25 different agencies and
17 jurisdictions participating in the West Mojave planning
18 effort.

19 It's probably the largest effort of its type
20 in the United States that's going on right now, the largest
21 wildlife plan. It has a federal lead agency, and that's the
22 BLM role in this. But it certainly has had very active
23 participation all along by the four desert counties, the 11
24 desert cities, a number of special districts, state
25 agencies. Caltrans is now involved, so it truly is a broad

1 interagency effort.

2 It's rather unique among a lot of plans
3 because we are just right adjacent to 20 million people, so
4 that gives you interface issues. As Southern California
5 grows, people go out to the desert for a variety of reasons,
6 and that creates some of the ecosystem concerns we are
7 trying to deal with in the West Mojave Plan.

8 The process itself has been a very open and
9 public process from the start. We have a West Mojave Super
10 Group that's composed of representatives of those two to
11 three dozen agencies. Probably about 120 nongovernmental
12 organizations: Mining companies, off-highway vehicle clubs,
13 building industry association. Everybody you could think of
14 with an interest in the Western Mojave Desert. The process
15 is overseen by a steering committee. We have a 9-person
16 standalone planning team, supplemented by a number of
17 consultants. And we have innumerable task groups and
18 subcommittees that have been meeting regularly over the last
19 several years. So all along we tried to make this as open a
20 process as possible to the public right along.

21 This is the general time frames. The planning
22 process itself got underway in the early 1990s. So it
23 probably really picked up a head of steam and funding about
24 1998. We finished -- we have kind of a proposal that's been
25 put together by the public over the last two and a half

1 years. We are having scoping meetings right now, as I said,
2 to get the EIS process underway. We will probably have a
3 draft plan and environmental report and statement, as I
4 said, available for public review this November. A 90-day
5 public review. That gives us a final EIR/EIS and plan by,
6 oh, beginning of March, end of April. That will mean a
7 federal record decision, a BLM decision by June 30th, 2003,
8 and probably state and local decisions, cities and counties
9 and such, sometime in the summer or fall of 2003. That's
10 kind of the overall time frame for where we are going.

11 The issues we are dealing with: A number of
12 issues, but the really big ones are right here. Streamline
13 the process for complying with the Endangered Species Act.
14 If you are a developer and you are putting in a housing
15 tract or a shopping center and you are in the habitat of an
16 endangered species like the desert tortoise or the Mojave
17 ground squirrel, in addition to getting any discretionary
18 permits, conditional use permits from local governments and
19 such, before you can start laying ground putting your
20 development in, you have to go to through Fish and Wildlife
21 Service and the California Department of Fish and Game and
22 get an additional permit, an incidental take permit. And
23 that can take a lot of red tape and additional biological
24 surveys and it could take a couple of years.

25 That's the sort of thing that can take that

1 developer who wants to go into Victorville and build a
2 shopping center and maybe scare him back to San Diego. So
3 one of the goals that the cities and counties have out here
4 is to get a process in place whereby you can have cities and
5 counties holding these permits. You can eliminate the red
6 tape and and you can have builders get their permits and
7 build immediately and gives a real economic incentive to
8 development in the cities and counties.

9 At the same time we have a mandate on the
10 federal agencies to recover endangered species such as the
11 tortoise, such as the Lane Mountain Milkvetch and others.

12 A third issue is the expansion of Fort Irwin
13 National Training Center. It's the premier training center
14 for tank training and other army maneuvers in the United
15 States. And Fort Irwin is proposing to expand its
16 operations by many tens of thousands of acres. Last
17 December, Congress transferred about 80,000 acres of BLM
18 land adjacent to Fort Irwin, just northeast of her, over to
19 the Army. They put a caveat on that transfer. They said
20 the Army cannot train in that area until they can assure
21 that any training operations will comply with the Endangered
22 Species Act, meaning will not jeopardize the continuing
23 existence of the desert tortoise in the Western Mojave
24 Desert.

25 And the folks who had to figure out how to set

1 up a conservation strategy which conserves the tortoises
2 even with new military maneuvers, well, that's the West
3 Mojave Plan. We have to come up with a conservation
4 strategy that works with the desert tortoise and other
5 species, even with an expansion of Fort Irwin. If we can do
6 that job, then the Army can use that for expert tank
7 training, and we can meet our Endangered Species Act
8 mandate, and provide for the national security concerns
9 Congress was interested in by doing both of those things.
10 That's the task set for us.

11 Route designation is another issue. That is
12 coming up with a network of motorized vehicle access routes
13 on the public lands.

14 Finally, livestock grazing, mineral
15 development are other issues as well.

16 The desert tortoise is probably the impetus
17 for the West Mojave Plan getting started. With the issuing
18 since 1990 and ever since the mandates for recovering
19 tortoises on public land, the permitting issues it creates
20 for the cities and counties, it's a very big concern
21 locally.

22 This is the habitat of the desert tortoise.
23 Again, you can see in the Western Mojave Desert everything
24 in pink is desert tortoise range. This is the California
25 Desert Conservation Area, the Nevada line, Arizona over

1 here. The pink, desert tortoise habitat, and this great big
2 area, that's all the desert tortoise habitat in the Western
3 Mojave Desert.

4 In the surveys we ran and other evidence
5 collected over the last 20 years has shown that this area
6 once full of tortoises in the 1970s, has seen severe
7 tortoise declines, especially up here in the Northeast, from
8 about Harper Dry Lake on up to the north and the east. A
9 real population collapse documented certainly by the
10 surveys, as well, that we have run in the last few years.
11 That's what led to its listing as threatened in 1990.

12 Again, we -- there were extensive tortoise
13 surveys on the ground that were done during the Desert Plan.
14 About 6 or 700 transects that were run in this area in the
15 seventies. We have run about between 3,500 and 4,000
16 transects in the last few years to renew this effort. And
17 that has given us a unique opportunity to combine the
18 picture of tortoises in the seventies and the pictures of
19 tortoises today. And that look documents the declines that
20 have happened in the last 20 years.

21 Threats -- what's causing all this? Nobody
22 really knows. Some combination of a whole variety of
23 factors: Loss of habitat due to urban growth; several
24 diseases out there; just more folks going into tortoise
25 habitat, a whole variety of things did. And nobody can

1 really put a precise finger on what the culprit is other
2 than perhaps it's just death by a thousand cuts -- a lot of
3 things happening out here.

4 Again, this is the Fort Irwin situation.
5 Another big issue, the expansion of Fort Irwin into Eastern
6 Imperial Valley. How do you allow tank training in the
7 desert in the desert tortoise habitat and still maintain the
8 tortoise population? A key question for the planning team.

9 Lane Mountain Milkvetch, also in our plan.
10 It's what you call a narrow endemic. It's found only in a
11 very, very small area. About half of it on BLM lands and
12 half in the new expansion area. If that expansion
13 population is in large part lost, the question is how do we
14 maintain the rest of that population in a viable manner? A
15 good question for the West Mojave team that has to be
16 answered before the training can take place.

17 Mojave ground squirrel. A lot of the folks
18 focus on the desert tortoise, but in the Western Mojave, the
19 tortoises have a sidekick. It's the Mojave ground squirrel.
20 And for the very same reasons of the desert tortoise, it's a
21 very big concern for the cities and counties on the western
22 side of the planning area. There are survey requirements
23 that builders have to go through with a very narrow survey
24 window. Miss that window, and you have to wait a year.
25 There are endowment fees and all sorts of other things.

1 It's a state-listed species, so there is a big interest by
2 the cities in getting streamlined permitting, cutting the
3 red tape, getting the species recovered.

4 So overall, we have a number of little goals
5 for the plan, but it can be really be summed up in two big
6 goals. First, streamline the process of getting compliance
7 with the Endangered Species Act. Streamline the permitting
8 process. Give an economic incentive for our desert cities
9 and counties. And second, conserve sensitive species and
10 meet the mandates of the agencies.

11 General steps we have taken: We spent the
12 first four years since this thing really got rolling from
13 '97 on doing extensive field data collection, in talking to
14 the experts, getting species counts.

15 A word on data. A lot of folks will say you
16 really have to have certainty before you can make a decision
17 one way or the other. You can only build that campground if
18 you are certain it won't affect endangered species. Or
19 don't build that campground unless you are certain it won't
20 affect the endangered species. The thing cuts both ways.

21 In biology there is no certainty. And I think
22 that's why the physicists' statement of what's so
23 fascinating about conservation biology in general is because
24 it is inherently so much more -- so much more ambiguity than
25 the other sciences. It makes for a fascinating field of

1 study. And unfortunately, we are stuck with that ambiguity.

2 So in approaching biology, we would rather
3 have to take the same approach you would take in a court of
4 law. You get the best evidence you can. And you try to
5 make a reasoned decision based upon the best data you can
6 collect. And that's what we've tried to do. We can't get
7 certainty, but we can get the best data available and try to
8 make our decisions reasoned and grounded on that best
9 available data. That's what we try to collect.

10 We also had biologists from the wildlife
11 agencies sit down and say, in a nice world, what would the
12 biologists like to do that would really work and serve these
13 species? And then we gave that to our Super Group and said,
14 this is the biologist's dream. You know the realities.
15 What would work for a really good Mojave plan?

16 And although I can't say we achieved
17 consensus, we achieved a lot of open discussion and got a
18 lot of good ideas. Since December '99, we pulled together
19 into a proposal for the West Mojave Plan.

20 The conservation strategy that's involved is
21 summarized in a lot of the maps in the back. You might take
22 a look at some of these. But what it basically comes down
23 to very quickly is, first, the identification of a habitat
24 conservation area. A sort of working desert that's geared
25 towards conservation of the tortoise, ground squirrel and

1 numerous other plants and animals with special measures to
2 make sure these species are conserved and the agency
3 mandates are met, and yet at the same time it will meet the
4 needs of recreationists and others that want to use the
5 desert.

6 We have a three-tiered fee structure, a
7 simplified fee structure to replace the kind of current
8 mixture of fees, endowments, compensation requirements, and
9 surveys and other things that are currently required by the
10 jurisdictions in the desert.

11 We have what's called a 1 percent ground
12 disturbance threshold. So long as you don't take in the
13 habitat conservation area, no new ground disturbance that
14 collectively exceeds 1 percent of all the lands in the
15 habitat conservation area disturbed, so long as you don't
16 reach that threshold of ground disturbed, the streamlined
17 permitting procedures that are available to the cities and
18 counties can stay in effect. Once you hit that 1 percent
19 threshold, you are back to case by case permitting with a
20 lot of limitations. So that gives a good incentive to try
21 to keep under that.

22 We have a habitat restoration program to
23 minimize that disturbance and maybe even allow a few more
24 acres to be tossed into that 1 percent cap. We have
25 detailed species conservation measures that Ed LaRue and

1 Larry LaPre will discuss in a minute that will allow us to
2 take in a proactive way to go out and try to recover species
3 populations on public lands and minimize the effect of
4 projects on private lands.

5 And finally, nothing can work without a really
6 aggressive education program. It really takes the public to
7 help implement one of these plans. So we have a very
8 aggressive education program to try to reach out to the
9 media and schools and other groups so they can help with the
10 implementation of the plan, be aware of the plan, be good
11 stewards of the environment ecosystems themselves, which
12 will really go a long ways towards making this thing work.

13 MR. DANNA: Bill, that's 15 minutes.

14 MR. HAIGH: I have two more slides, and I
15 will be done. We have a motorized vehicle access network,
16 and this is something that Les Weeks will talk about, how we
17 designed the network, gathered the field information,
18 actually made the recommendations that we are going to come
19 up with in the environmental document of what that route web
20 should look like.

21 And we have a variety of items that obviously
22 will have to be put into place to implement these plans:
23 Signing, fences, more law enforcement, raven control, head-
24 starting programs, a whole variety. Plans do cost money,
25 and there will be a number of things identified in this plan

1 that specifically say, this is what we have to do to put
2 this thing into effect.

3 With that, I would like to summarize. West
4 Mojave is probably the USA's largest collaborative,
5 cooperative wildlife planning effort. We try to strike a
6 balance between resource uses and protection of the
7 ecosystem, looking at a broad number of plants and animals,
8 focusing on motorized vehicle access in the desert,
9 appropriate access that's compatible with wildlife needs,
10 trying to streamline the current red tape involved in
11 complying with the Endangered Species Act.

12 So if there are any quick questions -- Duran,
13 you can turn on the lights.

14 CHAIRPERSON KEMPER: I will start on the
15 right side if anybody has any questions.

16 MEMBER DENNER: One quick one. One percent
17 of ground disturbance is allowed by public use. Is that the
18 same thing as saying 99 percent of the land is going to be
19 set aside for conservation purposes and 1 percent for public
20 use; is that correct?

21 MR. HAIGH: No, because actually those lands
22 will be used extensively for a variety of uses that don't
23 necessarily call for disturbing the ground. We are talking
24 about 1 percent. We are talking about somebody going in.
25 They want to build some kind of new facility. A pipeline in

1 the desert. They are actually blading a right-of-way. And
2 that's the kind that gets a 1 percent cap.

3 If you had like livestock grazing out there,
4 if you had somebody camping or riding across the desert,
5 equestrians or something, that does not count against the
6 1 percent. And to put it in perspective, the current
7 disturbed acreage in the habitat conservation right now from
8 the beginning of time to today is about 1.3 percent. So
9 what we are talking about is an amount about equivalent to
10 what has already been disturbed. And that should be able to
11 take anything you can conceive of, going into the desert in
12 the next 30 years.

13 CHAIRPERSON KEMPER: Anybody else on the
14 right.

15 MEMBER BROWN: In the collaborative effort to
16 put together the plan, do all of the 28 or whatever agencies
17 and user groups all agree on the plan at this point?

18 MR. HAIGH: It varies. As I said, I don't
19 think we have full consensus on this thing. We have full
20 vetting of everyone's views.

21 MEMBER BROWN: What does "vetting" mean?

22 MR. HAIGH: Everybody has had a chance to
23 review everything about it, discuss every single topic. We
24 have in our meeting notes and such everyone's opinions about
25 it. And so I think that all views have been certainly

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1 heard. We have consensus on some points. On others, we
2 have had to agree to disagree. What I've tried everywhere
3 there are significant disagreements, those are recorded in
4 our meeting notes, and they form the kernel of the
5 alternatives we are looking at in the EIS. So a significant
6 point that was discussed and wasn't necessarily adopted into
7 the main proposal will still see the light of day in the
8 form of an alternative.

9 MEMBER RISTER: On your mortality studies
10 that you are performing, can you not ascertain what
11 percentage of the tortoises are dying from the disease
12 compared to the raven predation compared to other
13 disturbances?

14 MR. HAIGH: I'm going to punt that over to
15 Mr. LaRue. So if you can hold that question and put it to
16 Ed.

17 MEMBER MC QUISTON: One of the slides you
18 didn't speak to but I just saw it cycle through real quick.
19 I think that 3 and a half million acres of the West Mojave
20 Planning Area was private property?

21 MR. HAIGH: Yes. There are -- actually the
22 planning area is kind of neatly divided one-third private,
23 one-third public, about one-third military. The provisions
24 of the plan concern the private property and the BLM land.
25 The plan is being designed so it's compatible with natural

1 resources plans that are currently being put into place on
2 the military, so it fits nicely into the jigsaw puzzle.

3 The private property end of it would be such
4 things as -- various things such as tortoise survey and no-
5 survey zones. At the moment, there is universal tortoise
6 surveys required for any new development all over the
7 desert. We might be able to get that survey requirement
8 lifted in certain areas. One of our natural support civil
9 survey requirements might be lifted for large parts of the
10 desert. A number of other things like that.

11 MEMBER MC QUISTON: When you talk about a
12 1 percent habitat disturbance, is that the entire
13 conservation area?

14 MR. HAIGH: No. That is for the area in blue
15 on the habitat conservation area, which is probably about 20
16 percent of the plan area, so it's 1 percent of that. And
17 that area is primarily on public lands.

18 MEMBER MC QUISTON: The 3 and a half million
19 acres of private property, what percent would that
20 represent?

21 MR. HAIGH: It's approximately -- it's a
22 little over one-third. Probably about 35, 36 percent. It's
23 approximately the same as the --

24 MEMBER MC QUISTON: Spending ten years to
25 manage 1 percent in order to get streamlining in place. And

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1 that 1 percent is about -- represents maybe -- well, private
2 property is one-third. I'm just in my mind wrestling with
3 how this is a great thing and how this is streamlining in
4 order to spend ten years to deal with roughly 1 percent of 3
5 and a half million acres.

6 MR. HAIGH: All right. Keep in mind the
7 1 percent is one very specific measure that made that
8 management of the conservation area. The plan itself is much
9 broader than that. Essentially it gives incidental take
10 throughout all areas outside of the habitat conservation
11 area. So you can go and locate your shopping centers and
12 such outside that HCA and not be subject to the 1 percent
13 cap. And even within the 1 percent cap, it's high enough
14 that we can't foresee any level of development really
15 hitting it unless things were really quite a bit different.

16 MEMBER MC QUISTON: I'm in my mind sitting
17 here saying we spend like ten years to manage 1 percent of
18 some number that we are comfortable moving with the court
19 order to come up with a management plan for the West Mojave
20 by 2003, which is infinitely more land than we are talking
21 about perhaps blading and getting a permit on.

22 MR. HAIGH: The 1 percent is one-quarter of
23 it. But I would think if you take a look at the West Mojave
24 Plan, it pretty easily balances its attention to the other
25 99 percent as well as that 1 percent. And that's what took

1 the ten years, all 100 percent of it. And I think bottom
2 line for the jurisdictions is going to be -- the economic
3 analysis is going to be part of this. It's going to be
4 taking a look at the costs of the current environment, the
5 current surveys, the current delay costs when the people
6 can't build their projects for two years, and weigh that
7 against the fee structures. If it comes up a winner for the
8 local jurisdiction, they can buy into it. If it doesn't
9 come up a winner, there is no reason to. That's really the
10 critical point.

11 MR. BETTERLY: Bill, did you take into
12 consideration the Kern River Pipeline Project that has just
13 finished their E.I.R.?

14 MR. HAIGH: No. Actually, that's an existing
15 project so it would be grandfathered into place. For
16 example, the blading ground would be not be counted against
17 the 1 percent against that. That's a done deal.

18 MS. FERGUSON: Bill, you already know what my
19 question is going to be because I didn't actually get an
20 answer earlier. I am still confused about the Rands and how
21 it plays in the West Mojave. We are supposed to be going
22 through scoping right now, and I'm not sure if I am supposed
23 to be dealing with the whole Rand Plan, the 29 miles. He
24 was saying a bunch of other stuff, the added ACEC area.
25 This is not stuff that we discussed in our 50 task group

1 meetings that I saw posted up there. So I need
2 clarification.

3 MR. HAIGH: I will tell you. I was wondering
4 myself what are the expectations for the West Mojave team
5 that came out of this thing? I talked to a lot of folks,
6 attorneys, staff up in Ridgecrest, others. And these are
7 the marching orders I've got right now. And I will say
8 right now. It's not two weeks from now, but this is what
9 we're gearing on right now. And it's important that I have
10 the right marching orders because my staff is actually doing
11 the legwork.

12 We are going -- there are only about four
13 planning level decisions that are going to be considered for
14 the Rand Mountains. These are the ones that came out of the
15 ACEC plan ten years ago that BLM never got around to
16 implementing. These are the expansion of the ACEC. Change
17 in the multiple use class from M to L. The mineral
18 withdrawal, and the taking of the motorized vehicle web of
19 routes designated in the Rand Plan and incorporating that as
20 a component of the desert plan. Those are the four planning
21 level decisions. We are not look at any other consideration
22 of the Rands right now in the West Mojave Plan.

23 MEMBER FERGUSON: When did you find that out?

24 MR. HAIGH: About two weeks ago.

25 MEMBER FERGUSON: You had public scoping

1 meetings, and you have a huge e-mail list for the West
2 Mojave people. And it would seem that that was pertinent
3 information that should have been sent out to us for the
4 scoping meeting for the people that are going to be involved
5 in that. I know you are real busy with other things, but --

6 MR. HAIGH: I could make a clarification note
7 and send it out over the Web.

8 MEMBER FERGUSON: I think that would be
9 appropriate.

10 MR. HAIGH: I will do that.

11 MEMBER SMITH: If we wanted to look at a
12 website to update ourselves with more detail, what website
13 would that be?

14 MR. HAIGH: It's got a very long address, so
15 if you have enough space on your paper, I will give it to
16 you. It has all of our meetings notes, schedules,
17 everything else. A lot of pertinent documents. It's
18 www. --

19 MS. HANSEN: He has a paper. Right it down
20 over there.

21 MR. HAIGH: It's www.ca.blm. -- keep writing
22 small -- gov/cdd/wemo.html. If you can go to that and you
23 get that long address and put it in your computer, I think
24 you will find a pretty informative website.

25 MR. DANNA: I will hang this on the wall.

1 CHAIRPERSON KEMPER: Mr. Haigh, the original
2 plan had a budget. The revised plan, the West Mojave Plan,
3 was budgeting any of the things that the group looked at?

4 MR. HAIGH: Pardon? The revised plan?

5 CHAIRPERSON KEMPER: The West Mojave Plan.
6 In other words, is there a budget considered?

7 MR. HAIGH: Yes. As a matter of fact, there
8 is an actual requirement, particularly on the private side,
9 that any plan like this demonstrate it has adequate funding
10 over the course of the term of the permits. So we are
11 actually required by the act to demonstrate that funding.
12 To do that, we will be laying out all of the items having to
13 be done over the next 30 years, the cost of those items, the
14 priorities of those items and demonstrate we have the
15 funding to implement it.

16 CHAIRPERSON KEMPER: Would it be possible for
17 you to provide this Council with a copy of where that
18 funding is coming from, what sectors?

19 MR. HAIGH: Yes.

20 CHAIRPERSON KEMPER: Will that be part of the
21 West Mojave Plan?

22 MR. HAIGH: Yes. We don't have that together
23 just yet, but it will definitely have to be part of the
24 plan.

25 CHAIRPERSON KEMPER: What time will we have

1 that?

2 MR. HAIGH: Certainly by November when the
3 draft comes out. I imagine we will have it pretty well
4 pinned down for purposes of the EIS by the end of September.

5 CHAIRPERSON KEMPER: Very good. Thank you.

6 MEMBER FERGUSON: I have one more question.
7 How is the mapping going, or do you want me to deal with
8 that under Les's report?

9 MR. HAIGH: The mapping -- right now, we have
10 probably by about the end of next week, the final digitizing
11 of the '85, '87 ACEC networks will be completed. Les can
12 tell you how the actual mapping of the route network is
13 going, but I believe it's just about wrapped up and
14 completed right now. And he will have a number of those
15 maps to put up on the wall.

16 MEMBER FERGUSON: So I can get a big box in
17 the mail?

18 MR. HAIGH: As soon as I can free up the time
19 to do the work for you.

20 CHAIRPERSON KEMPER: If we can move on to our
21 next speaker.

22 MR. HAIGH: Ed, it's all yours.

23 CHAIRPERSON KEMPER: While Ed is walking up
24 here, Ed worked with us on the TRT and was a great help.

25 MR. LARUE: I guess there are a lot of

1 different things we can focus on. And what I chose to focus
2 on today was to look at some of the data collection, some of
3 the data gaps specific to the desert tortoise. So there are
4 a bunch of things relative to the Mojave ground squirrel and
5 other species that Larry LaPre considered, but I think it
6 probably would be useful to you guys if you understand some
7 of the information.

8 Between 1975 and 1982 the Bureau of Land
9 Management surveyed just under 2,000 desert tortoise
10 transects throughout the California Desert District. About
11 800 of those were done in the West Mojave Plan.

12 And then since about 1982, there has been very
13 little. Most of the work has been done on the BLM's
14 permanent study plots. So we haven't had regionwide survey
15 efforts that have gone on, except for the military bases.

16 In 1988, China Lake surveyed all of its land.
17 Between '92 and '94, Edwards Air Force base surveyed 475
18 square miles of its land. There have been a lot of surveys
19 associated with the Fort Irwin expansion, particularly
20 through the late eighties and nineties. In 1997, Twentynine
21 Palms Marine Corp Base also surveyed 975 square miles of its
22 land. So what that left us with is a whole lot of
23 information for military bases, but very little for BLM
24 outside of those installations.

25 To try to address that gap in data, in 1998,

1 we surveyed transects over 875 square miles of the West
2 Mojave. Then in '99, we surveyed a total of 1500 transects
3 on 1200 square miles of the West Mojave. And then last
4 year, leading a little bit into this year, we did another
5 450 square miles of surveys. So this really comes down to
6 about 3,525 square miles where we have done transect surveys
7 specific to the desert tortoise and also collecting
8 information on other rare species covered by the plan.

9 And in addition to that -- so what we were
10 basically focusing on the sign count of tortoises. We were
11 looking at their droppings and their burrows, not so much
12 the animals themselves, as part of the methodology that's
13 used. So what that's basically given us is like a general
14 pattern of distribution. It's shown on the gray map, the
15 second map from the left there. It shows you six different
16 categories of sign counts in terms of abundance of tortoise
17 signs. So it will go everything from a zero to as much as
18 47 different pieces of tortoise signs. But they are only a
19 sampling effort.

20 This one transect that's a mile and a half
21 triangle covers about 1.3 percent of the ground surface. So
22 it gives us a general picture, but it's not an absolute
23 density of tortoises.

24 In addition to the tortoise sign we collected,
25 we also collected disturbance information relative to human

1 disturbances out there. There are 22 different categories:
2 OHV impacts, utility presence, presence of roads, trails,
3 presence of sheep or cattle scat in places, feral dogs, all
4 that kind of information. There were 22 different
5 categories of threats collected.

6 So that was pretty good for basically the
7 conservation areas that are shown in the light blue and kind
8 of turquoise color there that basically are associated with
9 the DWMAs. But the way that the data has been pragmatically
10 used was to -- right now we have critical habitat here and
11 we recommended that there be an expansion of critical
12 habitat into the Iron Mountains north of Slow Lake, where we
13 found significant abundance of tortoise sign.

14 We also recommended some reductions between
15 Adelanto and Shadow Mountain Road. Most of the land is
16 private there, and there was very little tortoise sign and
17 very little disturbance.

18 Another way they have been used -- and Les
19 will talk a little bit more about this later -- is
20 collecting the disturbance information that allowed us to
21 determine where the heavy vehicle-based impacts occurred.
22 And we basically -- in this analysis I refer to it as the
23 MAD Maps, because I figured they would piss people off. But
24 also, the acronym is supposed to stand for "Make a
25 Difference." Where are the places in the West Mojave where

1 we should focus our route reductions so that we can make the
2 most difference for the tortoises? And in my limited way of
3 thinking, what that comes down to is the places where we
4 have above-average sign counts of tortoises and places where
5 we have above-average vehicle-based disturbances. Those are
6 the two places that I have tried to talk to the route
7 designation folks to try to focus on those areas.

8 One of the other things that our data has
9 shown us is that the open areas, particularly the Johnson
10 and Stoddard Valley area, when you look at the amount of
11 cross-country travel in there, it's intuitively correct
12 that those areas are blood-red. That's where we have most
13 of the cross-country travel, and that's what it's intended
14 for.

15 But you also see that there is a spillover
16 outside of these open areas into the adjacent DWMA's. So
17 based on some of this data, we recommended that there be
18 barrier fences put up between the Johnson Valley open area
19 and the Ord Rodman DWMA. And there are a bunch of other
20 things.

21 But there are a couple of things that the data
22 should not be used for. One of the things that these kinds
23 of traffic data have been used for in the past is to
24 determine tortoise densities. There is abundance of
25 evidence that that's not a good way to use this data. So we

1 really haven't used it. I can't tell you there are X number
2 of tortoises on X number of square miles in the West Mojave.
3 That's not the way data has been used.

4 But I can tell you, if you want to go and see
5 a tortoise on a Saturday with your child, the best place to
6 do it is about 18 miles northwest of Barstow. We did
7 transects in all three years, '98, '99, 2001. We found
8 seven square miles with the highest tortoise sign count. And
9 those sign counts were counted in '98, '99, and 2001. And I
10 actually asked a Ph.D. physicist if that would randomly
11 occur, that you would do 3500 square miles of surveys and
12 find the highest sign count in a 30-square-mile area. He
13 said the answer was 1, with 16 zeros attached to it that
14 that was the probability that that would randomly occur.

15 So I can't really go as far as to tell you
16 what the densities are. But I can tell you where some of
17 the hot spots are. And we are trying to use that
18 information to protect some of the last inholdings, if you
19 will, of the desert tortoises.

20 One of the things that even though we can't
21 talk about densities, we still want to try to get an
22 understanding of the relationship between tortoise sign
23 counts and tortoises. In 1998, for example, we saw 103
24 tortoises while we were surveying the 875 square miles. And
25 I have asked a statistician by the name of Dr. Tony Crissik

1 to analyze our data. And he has given us two initial
2 studies, one in early May and another one just last week
3 that show there that is a positive statistical relationship
4 between tortoise sign counts and tortoise occurrence in
5 terms of where the animals are seen.

6 But we also have these urban areas. And the
7 gentleman was asking about the 1 percent and the take and so
8 forth. If you look at any one -- particularly the third map
9 from the left, you can see the conservation areas kind of
10 shown in the pink and so forth.

11 But you also see between Palmdale and
12 Victorville an area as white. That shows up as kind of a
13 mustard color here on this map. Those are lands that are
14 primarily private lands, urbanizing areas where we found we
15 actually have a database of 46,000 digitized structures in
16 the West Mojave Plan area to try to get an idea of where the
17 pattern of people were.

18 So the other focus was to look at tortoise
19 occurrence in these urbanized areas to see whether they
20 occur or not. In the early part of the West Mojave Plan, we
21 went and got 325 books surveyed by San Bernardino County and
22 then in the last year, we have collected another 1400 data
23 points. That give us somewhere under 2,000 or so specific
24 points where survey was done for tortoises. And we can see
25 if anything was or was not found. So that kind of

1 information has been used outside of the DWMAs to try to
2 identify a number of things. And one of those things are
3 places in the future where surveys would not be needed for
4 the desert tortoise.

5 There have been in the Baldy Mesa area, for
6 example, just east or west of Hesperia and southwest of
7 Victorville, there have been 100 surveys and there has never
8 been a tortoise poop or burrow or any other evidence of
9 tortoises found.

10 So in places like that, Palmdale and
11 Lancaster, based on the existing data, we are recommending
12 there not be tortoise surveys in those areas. We also used
13 this information and also aerial photography in '95 to
14 identify the compensation scenario that Bill Haigh
15 mentioned. There are three different ones. There is a
16 half-to-one compensation ratio, a one-point ratio, and a
17 five-to-one. The half-to-one occurs in the places pretty
18 much where tortoises have been extirpated. It's agriculture
19 lands, degraded habitats, and such things.

20 The one-to-one is applied outside of the DWMAs
21 and the HCA and places the habitat is still intact and the
22 places where data shows the tortoises are still supported.
23 And the five-to-one inside the DWMAs. And that's one of the
24 ways those data have been used.

25 And finally -- and this is only sort of

1 peripherally associated with the West Mojave Plan. But I
2 wanted to give you a couple of minutes on distance sampling.
3 All of the transects done so far by the BLM and recently for
4 the West Mojave Plan total corrected sign counts. We were
5 out there looking for scats and burrows. And then trying
6 to, again, as in the past, determine what the densities of
7 those would be.

8 Distance sampling effort was first done in
9 1999 on the Chocolate Mountain Gunnery Range. And the focus
10 or thing to keep in mind specific to us is we were actually
11 focused on finding animals. We are not looking for sign
12 anymore. It's more or less meaningless. So the only
13 information collected are live tortoises and dead tortoises.

14 That effort was -- it was a pilot study
15 beginning with Chocolate Mountain Gunnery Range. Joshua
16 Tree National Park has gotten into it. Twentynine Palms has
17 now had two years of data. But within our important
18 conservation areas within the DWMA's, the first effort was
19 done last year. And they surveyed somewhere in the 320
20 kilometers of transects per DWMA. And I'm assuming that you
21 are familiar with the DWMA concept in the four that are in
22 the West Mojave.

23 But just to give you what we found is in the
24 Ord-Rodman area, there were 72 animals found. We found 50-
25 some animals in the Fremont-Kramer area. Forty-some animals

1 in the Superior Cronese area, and a lesser number that I
2 can't recall in the Pinto Mountain area. But the take-in
3 point is that the statistician in analyzing the sampling
4 effort, have told us that you need to have 80 animals per
5 DWMA, which is our strata in this case, stratum. And we
6 never achieved that in 2001.

7 So in 2002, they bumped it up, so instead of
8 doing 320 kilometers, we were doing more like 500 kilometers
9 to try to find those 80 animals. And I don't know what the
10 results are. I think we did in Ord-Rodman, but I don't
11 think we did in the other three areas and again, I haven't
12 seen the data, so it's just speculation.

13 Finally, relative to distance sampling, there
14 is a significant funding issue with that. The military in
15 the guise of Fort Irwin and Twentynine Palms and Edwards Air
16 Force Base largely paid for the effort in -- last year in
17 2001. The BLM contributed about \$100,000. We also had some
18 money from Fish and Wildlife Service.

19 In 2002, that shifted a little bit. When Tim
20 Salt was still the District Manager, there was an assumption
21 that \$200,000 would be provided by the BLM to survey
22 tortoise transects. I think it was throughout the district,
23 not necessarily the West Mojave. But that funding
24 disappeared when Tim did. So the BLM did not contribute any
25 funds in 2002. And what's really caused a problem there is

1 that the military installations, Fort Irwin and Twentynine
2 Palms, were sort of pitching in a collaborative outside of
3 the installations, which really should be the BLM's mandate.
4 So there is a real concern there, if you will, and political
5 struggle of the military installations paying for something
6 on BLM lands without having BLM funds earmarked for this
7 effort.

8 And finally the West Mojave Plan does propose
9 to, as a mandatory part of this plan, to fund distance
10 sampling in one means or another. It talks about \$225,000
11 to survey the four DWMAs in the West Mojave. And this is
12 the only way that we have to determine whether or not
13 recovery standards are being met. The recovery plan in '94
14 said you needed to have stable or increasing population of
15 the tortoise over a 25-year period of time. And this is the
16 only method that we have to be able to answer that question.
17 So it's considered essential that we fund distance sampling
18 during the 30 years that the West Mojave Plan is intended to
19 be in function.

20 CHAIRPERSON KEMPER: Any questions?

21 MEMBER MC QUISTON: I have a couple of
22 questions. When you say "this is the only way," are you
23 talking about the live versus dead?

24 MR. LARUE No, sir. What I mean is that you
25 are familiar with the Management Oversight Group. I think

1 it was in 1996 or 1997 they formally adopted distance
2 sampling as the way to track tortoise trends for the listed
3 population.

4 MEMBER MC QUISTON: You made a statement that
5 you can't use the signs to determine density.

6 MR. LARUE: Right.

7 MEMBER MC QUISTON: How are you going to ever
8 be able to evaluate whether you are achieving the recovery
9 required by the recovery plan? Or conversely, if all of the
10 signs that you are using, how does that translate to ever
11 coming into the jeopardy decision?

12 MR. LARUE: The distance sampling method --
13 and time will prove -- it's only been going on for about
14 five years. And Washington County, Utah was the original.
15 I mean, they have five years of data. The distance sampling
16 method provides two things: Density of tortoises per
17 certain region -- in this case the DWMAs. And it will also
18 give us a trend in terms as to whether there is an increase
19 or decrease. We won't know in a certain area, for example,
20 if there was increased route closure in the Rand Mountain
21 area, the tortoise population responded there. That
22 particular DWMA goes all the way to Adelanto. So we would
23 be able to talk about that DWMA, but not specific to any
24 particular area within it. And it's going to take at least
25 five years to get a semi -- a fairly statistically accurate

1 way to say how many tortoises there are. But it's going to
2 take much longer to find out a trend from year to year. So
3 we are away from the time counts. We are into this distance
4 sampling, and they are intended to tell us whether or not we
5 are increasing or decreasing.

6 MEMBER MC QUISTON: The yellow dots over on
7 the second map, are they sign counts?

8 MR. LARUE: Those are sign counts, yes, sir.

9 MEMBER MC QUISTON: Is any of the proposals
10 that may be coming out based on that, as opposed to line
11 sampling?

12 MR. LARUE: I would say that none of our
13 proposals in terms of what's in the West Mojave Plan is
14 based on distance sampling at this point. I have been
15 fortunate enough to be involved in all four years of it, so
16 I've seen it kind of evolve. And again, there is nothing on
17 the horizon to replace this. This is the one basket we are
18 putting all our eggs in. That sign count information has
19 been used fairly extensively to try to figure out places
20 where we can propose different management objectives and so
21 forth.

22 MEMBER MC QUISTON: I apologize. I'm not
23 sure I understand this. It seems like there were two
24 methods of collecting data: One is live sampling and one is
25 signs?

1 MR. LARUE: That's correct.

2 MEMBER MC QUISTON: But it seems like we have
3 kind of a hodgepodge of how we are incorporating them into
4 the West Mojave Plan.

5 MR. LARUE: I think it's fairly -- there is a
6 dichotomy there, that's for sure. And the proposal is to
7 use distance sampling to determine tortoise densities and
8 trends. And that's it.

9 MEMBER MC QUISTON: But where you don't have
10 that, will you fall back to signs?

11 MR. LARUE: I mean, it might be that you and
12 I can discuss this so I can kind of get you up. But it's
13 several different things. Again, we used this disturbance
14 information associated with the sign count data to try to
15 identify problem areas where we can implement like route
16 closures or those kinds of things, maybe where there is
17 trespass of cattle. So that the sign counts have been the
18 only data we have used so far to try to figure out where
19 management could occur in certain areas.

20 MEMBER MC QUISTON: Okay, we can talk about
21 this later. But if that's the only tool that's been used,
22 it sounds like it's the tool, if you will, for the 1 percent
23 disturbance, whatever the fee structure is. And on the
24 other hand, you are saying, but the only way we really know
25 is if we do the other methodology, and it's going to take

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1 years to do that.

2 MR. LARUE: The key word with the sign counts
3 is the relative indicator of where tortoises are. I mean,
4 we know that 27 percent of our transects didn't have any
5 tortoise signs. We know that there is a hotspot out there
6 by the Mud Hills by Water Valley where tortoises appear to
7 be crawling over on top of each other. And that's still
8 useful information. But again, the distance sampling is
9 intended to judge the recovery standard as to whether the
10 population is crashing or getting better.

11 MEMBER SMITH: Quick question on your
12 distance sampling technique. In the drought year the
13 tortoises may not even emerge from their burrows. How does
14 that factor in?

15 MR. LARUE: It actually factors in. One of
16 the things that comes into distance sampling is that you
17 have crews of people out there doing the transects looking
18 for tortoises. And then you have an individual that's
19 dedicated to something called focal studies or G subzero
20 studies. And that person has radio transmitters on 10
21 different tortoises to determine whether they are above
22 ground and below ground while we are doing our surveys. And
23 that's factored into the density estimate as a detection
24 ratio for detection function, if you will, to know if most
25 tortoises are underground or above ground or detectable. So

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1 it's supposed to consider that concern. But even with 500
2 kilometers of transects, we have few animals in 500
3 kilometers than we got with 320 in the last year, which was
4 a pretty good year. We are still learning. Maybe they
5 shouldn't do distance sampling in years like this. That is
6 something that could come out of it.

7 MEMBER DENNER: This issue happens to be very
8 important to the organizations that I represent, so I have
9 several questions and points I want to make.

10 First of all, did I understand you to say that
11 when you do your transects, where you are not finding very
12 large populations of desert tortoise, you are recommending
13 in the Mojave Plan that ACECs and DWMAs be reduced?

14 MR. LARUE: There were two main revisions, if
15 you will, of what is existing critical habitat. And we
16 proposed a reduction based on not finding a whole lot of
17 tortoise signs, but also the prevalence of private land.

18 The folks that drew the lines for critical
19 habitat took it almost all the way down to Adelanto and
20 maybe 90 percent of that land there is private. You will
21 also see a big gap over there at California City. As a
22 biologist I would like to protect tortoises there, but it's
23 500 square miles of private land. So the only expansion
24 that we really had over critical habitat was into about a
25 40-square-mile area that's north of Silver Lakes, south of

1 Hinckley, that's more or less associated with the Iron
2 Mountain area.

3 MEMBER DENNER: I guess I'm encouraged that
4 you would even consider reducing ACECs where you don't find
5 tortoises. And I hope you would apply that to public lands
6 as well as private lands.

7 The second thing I have is, you mentioned you
8 did surveys on the BLM-controlled desert tortoise areas. I
9 talked earlier -- I don't know if you were here -- about a
10 compound in the Ridgecrest area that's been in existence for
11 over ten years. And I was told there had been no recent
12 surveys up there. I guess the question I have is, are you
13 able at this time to say whether you are finding a
14 significant improvement in populations within those BLM-
15 controlled areas versus other areas, be it military or open
16 use areas or whatever?

17 MR. LARUE: The problems, I guess there, is I
18 was referring when I said that to the BLM's permanent study
19 plots established in the '70s and funded up until about '91
20 and '92. And then the funding disappeared at that point,
21 and it was part of the reorganization to get the biological
22 survey at that time. You splintered off and took like
23 Kristin Berry and some other folks out of the BLM into USGS,
24 what is now USGS.

25 That's about the time that funding stopped

1 from the BLM. So we haven't had on a lot of these permanent
2 survey plots, we haven't had any surveys, which are
3 generally 60-day efforts where you capture animals during
4 the first 30 days and recapture them the second 30 to get a
5 density for that area. Except for the desert tortoise
6 preserves, many funding out of their pocket, there are some
7 studies of the natural area in the Fremont Valley, those
8 have been discontinued. But up until the point that they
9 were discontinued, there were not any of them showing any
10 increases. For example, out in the California City area,
11 there were more than 300 tortoises per square mile. And the
12 last time they were looked at, it was somewhere in the area
13 of 20 and 50, with an equal number of carcasses making up
14 the difference.

15 MEMBER DENNER: This is in a controlled area.

16 MR. LARUE: That's in a fenced area.

17 MEMBER DENNER: Apparently the closure is not
18 the answer to the desert tortoise survival. Wouldn't you
19 draw that conclusion?

20 MR. LARUE: I think a key place, if anybody's
21 got any connections, would be to look at the Lockheed
22 facility. The nine square miles up there near Silver Lakes
23 has been fenced ever since it was first surveyed for
24 tortoises in '85. And I have tried several ways to get on
25 there to see if that population is also stable or if it's

1 decreased. But I don't have any access to it. And Bill is
2 right. I mean, there are a thousand different things
3 affecting the tortoises, some we know and some we don't.
4 And unfortunately, we are having to focus on the ones we do,
5 urbanization.

6 MEMBER DENNER: But the BLM is still using
7 closures as a solution to the desert tortoise problem. We
8 were told this morning that with recent studies that have
9 been done on the desert tortoise, the status of that is just
10 there is a lot of the rough information, nothing has been
11 coordinated and correlated yet. And I think there were two
12 statistical reports put out within the last two months. Are
13 they available to the public?

14 MR. LARUE: They will be. We have a
15 contractor, Dr. Tony Crissik at Emery Riddle Aeronautical
16 out in Prescott who is doing these analyses. And we have
17 given him some questions about that. If we can't talk about
18 densities, how else shall we talk about this data? They
19 should be available fairly soon. But I would refer you to
20 September '99 evaluations which, at least up until that
21 point, documents what we think we know.

22 MEMBER DENNER: This Council doesn't have the
23 benefit of even that report. Would you make an effort to
24 see the Council members get a copy of that?

25 MR. HAIGH: There are several sources. We

1 have some in our office. I think the old Council was
2 provided with copies of that, but it's actually posted on
3 our website. So in addition to getting you folks copied --
4 I can work with Duran to make sure you all have copies -- if
5 you want it a little quicker, you can go right to the
6 website and download it.

7 MR. LARUE: One thing I could show you and we
8 are obligated to try to analyze this, but the information
9 that's been collected independently by Les Weeks, when it's
10 compared to the information that we collect, show that the
11 above-average tortoise sign counts do not coincide with
12 places where you have a lot of roads.

13 MEMBER DENNER: You know, I really like what
14 you have to say, and I want to put out a proposal to you, I
15 would bet if you could talk the environmental organizations
16 into taking some of the money out of the lawsuits they are
17 filing and put it into a serious scientific study of the
18 desert tortoise, I would bet that I could get the OHV group,
19 the ranchers, miners, filming industry and the hunters to
20 match the funds you get from the environmental organizations
21 and instead of putting our money into lawsuits, maybe we can
22 get a real serious scientific study of the desert tortoise,
23 and you sound like the guy to do it.

24 MR. LARUE: I don't think those are mutually
25 exclusive. You can spend your money however you want, but

1 please send your money so we can try and figure things out.

2 MEMBER DENNER: I'm making it a challenge.

3 If those organizations really care about the status of the
4 desert tortoise, they should be willing to stop their
5 lawsuits long enough to get a serious study. I'm talking
6 about matching whatever funds they put in. If they are
7 going to take the litigation route, we have no choice but to
8 go to the same way.

9 MEMBER ELLIS: I have a question with respect
10 to the cost of the sampling regime that you guys have
11 embarked on on the lines of distance sampling. You
12 apparently have had a problem this year with the BLM being
13 short \$200,000 of I guess a portion of the expected costs
14 there. And you are describing that in order to ensure
15 tortoise recovery, you have to spend whatever it is that you
16 spent this year and perhaps more for 30 more years.

17 Where is the source of this money going to
18 come from? And how can we be confident that the tortoise
19 can recover if it's such an expensive proposition? I know
20 there is money from the military now. I don't know if there
21 always will be. Are we embarking on another process here
22 which we may have some temporary funds to do, but it's very
23 vague about where it's going to go in the future.

24 MR. LARUE: I think Bill mentioned this that
25 one of the five precepts of an HCP is that you have to show

1 that whatever you propose in the HCP has got to be funded.
2 You have to be able to guarantee the funding source except
3 to say that again, if we propose something in the year one,
4 two or three and don't have some clear way of indicating the
5 money that's going to go into that, then the fish monitors
6 yank our permit and we don't have a 10-A permit anymore.

7 So it's one of the things -- and sometimes I
8 claim to be a biologist and ignorant about lots of other
9 things, and funding is one of those. But again, just to say
10 that this is really the only way we can track recovery.

11 MEMBER ANDERSON: Did I hear Bill say that
12 there is going to be a raven plan?

13 MR. LARUE: Yeah, there is a raven plan.
14 Bill Boarman's Raven Management Plan. Actually, in the last
15 few days we've gone through and tried to earmark who would
16 be responsible for each of his actions. Some of them are
17 BLM, some academia, but some part of that plan has to be
18 implemented.

19 MEMBER RISTER: You indicated that you have
20 made the vehicle MAD maps. Have you also denoted maps where
21 the disease mortality is occurring?

22 MR. LARUE: Someone -- it may have been
23 you -- asked the question earlier about looking at carcasses
24 to determine disease. The thing there is that with URTD,
25 it's a disease that can only be told through symptoms of

1 live animals: Swollen eyes, runny nose, heavy respiration
2 and so forth. So in order to track where URTD has occurred,
3 you actually have to track where you have live animals.
4 Where you've got fields full of carcasses, like at
5 Chemehuevi, Ward Valley, and we also have one of these
6 places around Fort Irwin in the eastern part of the Superior
7 Valley going down to Calico and Lane Mountain, there appears
8 to be a real die-off in the last five or six years up in
9 that valley, as well.

10 Where you have fields full of carcasses, we
11 don't really know. The only disease that you could detect
12 on a carcass is called cutaneous dyskeratosis. But the link
13 between that disease and actual tortoise mortality is
14 unknown. The URTD is more demonstrated as something that
15 causes death in tortoises. But in the absence of having the
16 data to know if every tortoise all around had a runny nose
17 and they just died, we just can't say. It could be drought,
18 disease, malnutrition.

19 MEMBER RISTER: You can tell if it was shot,
20 you can tell if it was run over, or you can tell if it died
21 of disease or starvation or predation.

22 MR. LARUE: The latter we can't.

23 MEMBER RISTER: No, but in a lump sum, you
24 could tell it was either starvation because of the drought
25 or it was a disease. It's clear they weren't run over or

1 shot.

2 MR. LARUE: There are things we can attribute
3 to humans.

4 MEMBER RISTER: What I am asking for is do we
5 have a percentage breakdown of which ones occur in the
6 die-off categories other than the hunting and OHVs? And
7 what are those percentages?

8 MR. LARUE: One of the things we collected
9 where we could determine the death of the tortoise, we tried
10 to include that information on our data sheet. But that's
11 not been analyzed.

12 MEMBER RISTER: But we have been told before
13 on some of our field trips that the larger percent of the
14 die-off appears not to be OHV and not shot, but it appears
15 to be a conglomeration of this drought and disease problem.
16 Yet we have asked before, why are we not spending money
17 studying how to resolve the disease problem. Why are we
18 putting all of our eggs in the basket of closing OHV access
19 where the major percentage of the die-off is the
20 accumulation of drought or disease. Why are we not looking
21 at studies or funding sources to look at that problem?

22 MR. LARUE: Well, hopefully this will
23 encourage you. There is a workshop scheduled this November
24 in Zzyxx that's going to have the top 40 scientists get
25 together for three days and try to figure out what the

1 disease issues are, whether it could be mapped, what needs
2 to be done in the future in terms of other studies.

3 But one of the things -- and I could show you
4 this independently so I don't take up so much time -- if you
5 do a threats mapping, you can show where the grazing occurs.
6 You can show where the open areas are. You can show where
7 the urbanization is. And what is left is the DWMAs. And
8 when you look at the DWMAs, looking at the stuff that Les
9 Weeks and so forth has put together, you see that that's the
10 main issue as far as what we can detect seems to be roads.

11 I mean there are these die-offs that we don't
12 have any control over. But there are plenty of Ph.D.'s who
13 are willing to get up here and say that roads and human uses
14 stress tortoises, and they may be more likely to die under
15 those stressors. I am not necessarily going to argue that.
16 But the point is what can we do and where can we do it? In
17 the DWMAs, the problems right now are roads, in my
18 estimation.

19 MR. CASEBIER: Do you actually have data that
20 goes along with that, or is it just Ph.D.'s standing up
21 there saying, seems to me like it must be roads. Because
22 I'm getting to where I put Ph.D.'s in the same categories
23 with CEO's.

24 MR. LARUE: One of the things -- I couldn't
25 really do this until about six weeks ago -- he showed me a

1 map of where the routes that they had digitized occurred.
2 And then I showed him my map where the high tortoise
3 densities occur. And again, just the eyeball analysis of
4 looking at that is they do not overlap. If you look up into
5 the Rands -- I have a really good map in my briefcase that I
6 can show you that will demonstrate this better than what I
7 describe, but if you look up into the Rands, we have data in
8 the seventies that show 300 animals per square mile in the
9 Fremont, Rands and California City area. And we didn't find
10 a single square mile in several hundred in the Rands that
11 had above average tortoise sign counts.

12 MEMBER BETTERLY: It must have been Dr.
13 Barry, the one in the '70s.

14 MR. LARUE: That's correct. That's where the
15 permanent study plots were set up.

16 MR. CASEBIER: What we are looking for is
17 direct data that establishes the relationship between those
18 two things. Not eyeballs. Data.

19 MR. LARUE: Sure.

20 MR. CASEBIER: Scientific data.

21 MR. LARUE: And I think that we're -- we have
22 the information, if we can get the right people to look at
23 it, that could answer those questions. We didn't restrict
24 our sign count transects to the DWMAs. We were in the open
25 areas as well. We can tell you if there are more carcasses

1 in the open areas. Are there places where there is more
2 sign counts? Is there a relationship between elevation and
3 slope and sign? We also have all of the cross-country
4 tracks that we track out there. So there is data available
5 from the last three years or so that could be used to
6 address this.

7 MEMBER CASEBIER: But it hasn't?

8 MR. LARUE: That's right.

9 MR. CASEBIER: So meanwhile, we make the
10 assumption about the relationship. Like a while ago I was
11 talking about open mine shafts. Now, anybody can look at an
12 open mine shaft and tell that's the most dangerous thing out
13 here in the desert. But the people are over dying on the
14 soft sand -- that's data.

15 MR. LARUE: Again, what I just mentioned to
16 you earlier is there is a relationship between roads and
17 vehicle-based disturbances, and there are hundreds of --

18 MR. CASEBIER: You could show us that data?

19 MR. LARUE: Yes, sir.

20 MR. CASEBIER: I would like to see it.

21 MEMBER LEIMGRUBER: We may need a break for
22 the stenographer. She's been going for a long time.

23 CHAIRPERSON KEMPER: We're just about ready
24 for a break, and I have one more question. And then we are
25 going to take a short break. And we are going to introduce

1 Mike Pool, I believe he is here.

2 MR. POOL: Right here. Hi, Council members.

3 Thank you. Thank you for coming today, and I will look
4 forward to talking to each of you tonight at dinner. I just
5 want to pick up where you are going with your discussion.

6 CHAIRPERSON KEMPER: Who else had a question?
7 Jeri?

8 MEMBER FERGUSON: It's probably more directed
9 to Bill than to you. How much money has been spent in the
10 last ten years on all these surveys on the desert tortoise
11 for the West Mojave Plan specifically?

12 MR. HAIGH: The map over there, desert
13 tortoise surveys, the gray map. We spent -- '98 surveys
14 cost \$40,000, and '99, \$75,000 and the ones last near
15 \$100,000. So probably \$200,000.

16 MR. LARUE: And the 75 in '99 was from Fort
17 Irwin. The rest of it was BLM.

18 MEMBER FERGUSON: How much money have you
19 spent on the route survey?

20 MR. HAIGH: The route survey cost about
21 \$950,000.

22 CHAIRPERSON KEMPER: Jon.

23 MEMBER MC QUISTON: My question would
24 probably be for Bill.

25 CHAIRPERSON KEMPER: Don't leave yet.

1 MEMBER MC QUISTON: Early in the statement or
2 in the presentation I thought I heard West Mojave Plan was
3 not a BLM plan.

4 MR. HAIGH: Correct.

5 MEMBER MC QUISTON: Whose is it? Well, let
6 me just rephrase the question.

7 If the 28 local agencies choose not to
8 participate, does that mean it will go away?

9 MR. HAIGH: Twenty-eight agencies walk from
10 this plan and leave the BLM, it becomes a BLM plan. The
11 preparation of the plan -- it is the plan being prepared by
12 the two to three dozen agencies. Whichever among those
13 agencies and jurisdictions adopt it in the end, it becomes
14 their plan. So if Adelanto is the only agency that adopts
15 it in the end, it becomes the Adelanto plan.

16 MEMBER MC QUISTON: But there will be a West
17 Mojave Plan with or without other agency participation in
18 some form.

19 MR. HAIGH: Yes.

20 CHAIRPERSON KEMPER: Ed, I have one question
21 for you. You had mentioned in your tortoise surveys that
22 most recently the highest number of tortoises were in the --
23 as far as DWMAs were concerned, were in the Ord DWMA; is
24 that correct? Is there livestock present in the
25 Ord Mountains?

1 MR. LARUE: Yes.

2 CHAIRPERSON KEMPER: In your estimation, is
3 that probably the highest stocking rate in the West Mojave?

4 MR. LARUE: I honestly don't know the
5 stocking rates. And one of the things you really need to
6 look at the map to show the relationship between the cattle
7 allotment and -- there are three places in the Ord-Rodman
8 area where we have apparently good density of tortoises to
9 the far northwest, to the south, and to the far northeast.
10 And none of those three are in the allotment. They are all
11 adjacent to the allotment and there's what I call trespass.
12 There are places where the cattle is three miles outside the
13 allotment in these high concentration areas.

14 So one of the things we recommended is fences
15 to try to keep them in the allotment and out of the
16 conservation places. I think the cattle are grazing more in
17 the upland stuff and the tortoises are more in the plain
18 stuff. Maybe what would be a pasture, but I don't know.

19 CHAIRPERSON KEMPER: Do you find it
20 interesting that the high number of cattle and the high
21 number of tortoises are existing there together?

22 MR. LARUE: I find it interesting as a late
23 night argument with a couple of beers. But the problem is
24 that we can say that there is a lot of them there. But we
25 don't know that maybe there were a thousand there per square

1 mile 40 years ago. We don't have a base line there to
2 compare.

3 I saw that in 1994 with a point-to-point run
4 put on by AMA that went from Stoddard and Johnson and 22
5 miles, and all the tortoises they found were in the Johnson
6 Valley open area where the highest impacts occurred. And
7 there are plenty of people who are willing to say this is
8 clear evidence that motorcycles don't affect tortoises. I
9 wouldn't be one of them, because again, the question is we
10 don't know what the base line was to know if this is still a
11 high number or if it's a number that's still trickling down
12 that we are still finding.

13 CHAIRPERSON KEMPER: Wouldn't it be ironic if
14 we need to recover the tortoise by adding travel?

15 MR. DANNA: Ten minutes, please. Just ten
16 minutes.

17 (Brief recess was taken.)

18 CHAIRPERSON KEMPER: I will call the meeting
19 back to order, and we are back on the record.

20 MR. LaPre: My name is Larry LaPre. I got my
21 Ph.D. in 1979 and was then CEO of a consulting company for
22 16 years before joining the BLM on January 4, 1998, to work
23 on the West Mojave Plan, which I thought was really the
24 ultimate challenge in desert biology.

25 And I basically consider myself to have had

1 two jobs. One is to take a look at the whole ecosystem of
2 the West Mojave, and the second is to sort out this
3 aggravating species list.

4 So for the ecosystem, in the West Mojave Plan,
5 I have written paragraphs and we have had discussions on
6 identifying ecosystem processes and how to keep those
7 intact. And that is things like floods, fire, pollination,
8 migration, sand transport.

9 Identifying hot spots is the second thing
10 where there is concentrations of protected species, and
11 therefore, would be one of the best places to spend your
12 money where there are several species together.

13 The third thing is identifying corridors and
14 linkages. These two words are often confused, "corridor"
15 meaning a place where wildlife moves back and forth. And
16 "linkage" being a habitat connection with whatever is next
17 to the West Mojave, which in our case is the National
18 Forest, the Tehachapi Mountains, the NECO planning area,
19 Joshua Tree National Park and Death Valley National Park.
20 And then there are internal linkages which are connections
21 between your conservation areas so that they don't become
22 isolated reserves, the way our three state parks are right
23 now.

24 The fourth tasks under ecosystem kind of
25 studies is to identify the rare natural communities, plant

1 communities which the Fish and Game calls natural
2 communities, such as riparian woodland in the Mojave River.
3 But we have some in the West Mojave quite rarer than
4 riparian woodland, including carbonate plants area, the
5 north face of the San Bernardino Mountains. The alkali seep
6 springs and meadows which are scattered all around. Two
7 quite famous ones are Rabbit Springs in the Lucerne Valley
8 area and Paradise Springs south of Fort Irwin. Those
9 support a number of rare plants.

10 And then native grassland is a rare natural
11 community, not naturally rare, but replaced by farmland in
12 Antelope Valley and reduced to remnants along the edge of
13 the Antelope Valley. There are miscellaneous palm oases and
14 other pretty rare natural communities.

15 And finally, I identified centers of endemism.
16 An endemic species is one limited to a very small range.
17 For animal, a small range is 50,000 hectares, or
18 approximately the range of the Mojave ground squirrel, which
19 occupies most of the West Mojave, at least -- it occupies
20 about two-thirds of the West Mojave. That's on a global
21 scale determined by biologists in the international
22 community who work on everything from rain forest to arctic.
23 So 50,000 hectares is a small range.

24 We have local endemics and with plants, it's a
25 different story. Our rarest plant has a range of about 30

1 or 40 acres. I mean a habitat limited to that in the Middle
2 Knob area where the range is several thousand acres, but
3 habitat occupied is about 30 to 40 acres. And other rare
4 plants that are up to 4 or 5,000 acres, quite unique and
5 adapted to some peculiar local conditions such as relic
6 glacial surfaces up on Middle Knob that are called pebble
7 plains or limestone carbonate substratas in the San
8 Bernardino Mountains or even playa surfaces south of Coyote
9 Lake.

10 Now to talk about the species list, which is
11 aggravating. We have 123 as our final number. If anybody
12 asks you, the West Mojave Plan is addressing 123 species.
13 No other species are allowed.

14 There are 59 that are proposed for coverage by
15 incidental take permits in the habitat conservation plans.
16 All 59 may not get coverage depending on what the wildlife
17 agencies decide. The species lists are hard to manage
18 because since January 4, '98, there have been new listings
19 of species. There has been one down-listing of a species.
20 The bald eagle is down-listed from endangered to threatened
21 by the Fish and Wildlife Service. And then it was announced
22 in the Clinton administration that it would become delisted
23 and no longer threatened; however, nothing has ever happened
24 to that. It still is threatened.

25 There have been new critical habitats. There

1 have been critical habitat check challenges, reductions in
2 the critical habitats, and many changes in the state list,
3 the list of species of special concern; the bird species of
4 special concern; the mammal species of special concern and
5 so forth.

6 The Native Plant Society has issued a new
7 edition of its inventory of rare and endangered plants which
8 drops some off the list and added others on the list. So we
9 are current as of now with 123. And going through this
10 list, you will see in the West Mojave Plan quite a number of
11 the species that were originally considered have been
12 deleted. And they are deleted because, upon examination,
13 they don't really occur in the planning area or they are
14 accidental in the planning area, such as the Yuma Clapper
15 Rail, which is an endangered bird last seen in Cronese Lake
16 in 1979 and never seen again.

17 There are flyovers, which applies to migratory
18 birds. So all those species were weeded off the list and
19 deleted from consideration for permit coverage or
20 conservation on public lands.

21 Then there is those in a category called
22 "adequately protected right now." You couldn't do anything
23 better. And that includes seven very rare plant species in
24 the southern Sierras, north of Walker Pass along the Pacific
25 Crest Trail, basically in the Owens Peak Wilderness.

1 There is quite a large number of species that
2 were dropped from the list and "dropped" means insufficient
3 information where even with all the studies that were
4 compiled and surveys that were done, there still is not
5 enough information to tell what would be the best way to
6 make a conservation plan.

7 There are species where there are arguments
8 about whether they are distinct. A distinct species or
9 distinct subspecies. So we weren't going to go with those.
10 And there are some where there is no feasible measures. We
11 can't do anything about it. The Mountain Plover is one of
12 those, a bird proposed as threatened. It breeds in North
13 Dakota and winters in this area. It prefers plowed and
14 burned and grazed agricultural fields. And that's not
15 something we are trying to conserve nor are we regulating
16 agricultural practices.

17 A couple species, like the arroyo toad, which
18 is an endangered amphibian, are covered by other habitat
19 conservation plans within our planning area. The main one
20 being undertaken by the city of Hesperia where it is thought
21 to occur downstream in the Mojave River. It's already
22 covered for the flood control district by a biological
23 opinion. So we basically don't have to do anything with the
24 arroyo toad.

25 So then my final thing to do is get down to

1 the ones that are going to be covered, going to be addressed
2 with specific conservation measures. And that's 59 species.
3 So for those -- I came from the private sector, have been
4 told repeatedly this is a multiagency plan, not just a BLM
5 plan, even though my paycheck comes from the BLM, even
6 though all my bosses are here, I consider San Bernardino
7 County to be my boss and Kern County to be my boss and all
8 the 28 participating jurisdictions to be my boss. And all
9 of the stakeholders to be my friends. That's miners.
10 That's recreation interests. I had a lot of experience with
11 the mining industry prior to BLM and have met with a number
12 of miners many times and just asked them directly, we want
13 to do this. What do you think? We want no mining in that
14 area. What do you think? We want you to pay a 5-to-1 ratio
15 of mitigation for anything that you disturb when mining.
16 What do you think about that?

17 So the mining community in particular was very
18 responsive after the first response. They were very
19 creative and have thought of ways: Well, we could work
20 around here. We could dedicate this. Why don't you hit us
21 with a 2-to-1 mitigation over here and something different
22 over there? And if we do surveys, can we get credit for
23 that? Can we have our own mitigation mix? And you will see
24 parts of the West Mojave Plan, particularly in the Oro
25 Grande area, where I have talked directly with about eight

1 companies, and in the limestone endemic area south of
2 Lucerne Valley where the three multinational mining
3 companies are, you will see special provisions of the West
4 Mojave Plan that are not half-to-one, one-to-one and
5 five-to-one and are not 1 percent limitation, but they are
6 conservation areas.

7 So the result of this -- and I give mining as
8 an example, but I talked to utilities. I talked to
9 Caltrans. I know most of the big development companies and
10 talked to them. What we have come up with as far as the
11 multispecies aspect are a series of other conservation areas
12 aside from the Desert Wildlife Management Areas, the DWMAs.
13 Some of them are embedded within the DWMAs where the desert
14 tortoise provides umbrella coverage. Meaning if you reserve
15 the central area shown in blue on the blue blob up there,
16 there are several species that I dealt with that are
17 entirely within there, in the conservation area within a
18 conservation area. And that's mainly endemic plants such as
19 the Barstow woolly sunflower, the Lane Mountain Milkvetch
20 and the Parish's Phacelia.

21 The separate conservation areas -- there are
22 two that you should definitely be -- three you should
23 definitely be aware of. One is the Middle Knob area. And
24 that's northwest of Mojave in Kern County. He is pointing
25 it out. It's the far corner of our planning area. It's a

1 forgotten remnant of biodiversity where there are
2 salamanders, there are rare plants, there are mountain
3 lions, there are bears, there are deer. There is the
4 southern Sierra plant communities coming down merging with
5 the desert. And we are proposing that as basically a
6 biodiversity ACEC, although it does provide permit coverage
7 for certain species.

8 This was not my invention. It had been
9 suggested by local botanists for quite some years. People
10 that go there know about it. There are very few roads;
11 there is very little that the BLM has to do up there. So
12 that's one of our proposed new ACECs.

13 Another one is Pisgah Crater. It's quite an
14 interesting area. It has several of the protected species,
15 and it has existing uses and conflicts and things that need
16 to be addressed. So we proposed Pisgah Crater, which is at
17 the eastern edge of the Ord-Rodman DWMA. It's in the center
18 of that map on the right. I know you can't find it, but
19 take Highway 40. And Pisgah needs a little rehabbing of
20 roads and trails that are there and organizing of the access
21 system.

22 Our ACEC plan allows the Johnson Valley, the
23 Parker race route to go through there on the identified
24 route that was identified by our stakeholders. And it
25 allows all the existing mining, which is a kind of liquid

1 carbonate mining.

2 The one that I had on display for you is the
3 most restricted area that we have. And it's on the
4 right-hand side over here. It's called Lane Mountain
5 Milkvetch Conservation area. It's one of the two threatened
6 and endangered species affected by the Fort Irwin expansion.
7 The dark blue line is the Fort Irwin expansion area. The
8 yellow bomb craters are the distribution of the Lane
9 Mountain Milkvetch. And the epicenter, that is to say, the
10 brown areas, are the highest density areas for the Lane
11 Mountain Milkvetch.

12 And you can see that about half the range or
13 more is within the expansion area or the existing Fort Irwin
14 and Goldstone and about half is out. And in those areas, we
15 propose reserve level management. And that means basically
16 graded roads and desert access guide roads only. And there
17 aren't too many more than that.

18 It means withdrawal of mining, if that's
19 appropriate. And if there is trouble spots, it means
20 fencing along the side of the road. This is all to avoid a
21 jeopardy opinion because this species is the most serious
22 threatened species that could get a jeopardy opinion in our
23 plan. So we have to do the most that we can to protect it.

24 That's all I have to say except that I am
25 heavily involved in other work which has to do with zany

1 regulations of the Endangered Species Act and the State
2 Endangered Species Act and policies and procedures of the
3 federal wildlife laws and how you comply with these things
4 for a habitat conservation plan.

5 Any questions?

6 CHAIRPERSON KEMPER: Thank you. Do we have
7 any questions? John.

8 MEMBER MC QUISTON: Just one on the last map
9 you were describing. A portion of the yellow area is within
10 the existing Fort Irwin boundaries; correct?

11 MR. LaPre: The portion that's within the
12 existing Fort Irwin is on the right side of the map. There
13 is a north-south black line that defines the existing area
14 from the expansion area.

15 MEMBER MC QUISTON: If I heard you correctly,
16 one of the areas of the highest density is within the
17 existing Fort Irwin boundaries?

18 MR. LaPre: Yes.

19 MEMBER MC QUISTON: Are the management
20 practices in the proposed expansion area identical to the
21 ones currently being practiced within Fort Irwin?

22 MR. LaPre: No.

23 MEMBER MC QUISTON: More or less restricted?

24 MR. LaPre: Well, the base will be
25 reconfigured for a different type of training. And we don't

1 know all of what that will be. I'm certain they will
2 protect that highest density.

3 MEMBER MC QUISTON: I think that was what my
4 question was. If one of the highest densities has already
5 been within federal withdrawn land and has been for 40 or 50
6 years, to what extent have you looked at their management
7 practices to see if there is a correlation between what they
8 are doing and what you are proposing?

9 MR. LaPre: Well, that's a good question.
10 The first answer is they didn't know they had them until
11 last year, that high density dark area in the existing base
12 which extends up to Goldstone. They didn't know about it
13 until last year. And because it buffers the Goldstone array
14 of radars, they stay away from it with tanks. So that area
15 should be okay. The rest of it, with the exception of the
16 hilly area right at the edge of the expansion where it
17 borders the BLM, they intend to use for tank training, as
18 far as we know. The army has not revealed its maneuvers
19 plan yet, but they have said they need their land for tank
20 training.

21 MEMBER MC QUISTON: Thank you. I'm just
22 suggesting that even though they might not have known they
23 existed, over the years they have allowed certain activities
24 and others, and it might be something that would point to
25 the effectiveness or the potential effectiveness of manager

1 practices out there.

2 MR. LaPre: If I read you correctly -- I
3 mean, I certainly would say the more conservation they do or
4 compatible management, the less of a burden there is on the
5 outside of the army lands.

6 MEMBER BROWN: I have a question for you.
7 You had mentioned the special provisions for carbonate
8 species. And I'm assuming that it's the carbonate habitat
9 management plan, which being a part of preparation for that,
10 really doesn't exist yet except in the preliminary draft.
11 So in the West Mojave Plan, would you incorporate that into
12 it? Or are you saying there will be provisions that are yet
13 to be written?

14 MR. LaPre: As of now, June 27, the carbonate
15 habitat management strategy, which is its own separate piece
16 dealing with this mining issue, is part of the West Mojave
17 Plan. It's so unique it may become split off. Its deadline
18 -- the meeting you missed last week, they took this
19 horrendously complicated plan and decided to simplify, thank
20 goodness. And a document that can be distributed to
21 everybody, lawyers and everybody else, will be available on
22 July 11th. So that makes it being pretty close to our time
23 line. So we are saying that that plan is still in. It's a
24 little subplan within the West Mojave. If it drags out or
25 if we drag out -- but we won't -- then it could become its

240

1 own separate plan.

2 MEMBER BROWN: Your scoping meeting for
3 tonight, really, the carbonate part of it is a blank
4 chapter?

5 MR. LaPre: No. It's not -- it's the
6 fallback chapter. That's what it is. It says, we had a
7 carbonate plan even before that multiagency strategy with
8 the Forest Service started. And that's the fallback plan
9 that -- what our document says now is we will incorporate
10 the interagency strategy as soon as it's released, but if we
11 don't, here's what you do. BLM establishes an ACEC, and
12 everything is on hold until we decide something else.

13 MEMBER ELLIS: The Fort Irwin expansion
14 became a serious issue I guess in the last year or so. Of
15 course, there were proposals for a long time. And the West
16 Mojave Program that you have been working on has been going
17 on for a number of years. And my assumption was that the
18 kind of basis of how you were planning to deal with the West
19 Mojave and tortoise recovery was going to be a tight fit
20 even before Fort Irwin said, Oh, guess what? We want to go
21 to the west here. And now all of a sudden, they are going
22 to the west. And they are doing an E.I.R. and a study
23 process apparently in parallel with yours. And somehow
24 magically I guess it's all going to come out next June, and
25 it all is going to fit together.

1 Perhaps could you describe how this parallel
2 E.I.R. process with, it sounds like, competing mitigations
3 is going to work and fit together?

4 MR. LaPre: Prior to your question, I agree
5 with everything you said. And the question really is to
6 Bill Haigh, but I want to tell you that we call it
7 complimentary mitigation. And we talk to the army quite a
8 bit to say, Well, what are you going to do? See, if they
9 train on tortoise habitat and are required to do something
10 in tortoise habitat outside the base, that will help us. I
11 mean, that will help consolidate lands within the DWMA, for
12 example. Or it might -- they might provide money to put a
13 tortoise fence along Highway 395 or something like that. So
14 we will take the rest of our laundry list and work on that.

15 The really clear answer to your question has
16 to come from Bill Haigh because he has the clearest mind on
17 that subject.

18 MR. HAIGH: Yeah. Basically we are going to
19 try to prepare the environmental documents in tandem.
20 Theirs will come out in about early November and ours will
21 come out about early November. As we are putting them
22 together, we are trying to ask that their consultants and
23 our planning team work together so the mitigation measures
24 they make dovetail with the conservation strategies we are
25 coming at. Just a lot of talk between the two so they are

1 sort of on the same track. They don't contradict each other.
2 The two analyses are really -- they are prepared with some
3 sense that people actually talk to each other. So we are
4 working with the other planning team day by day.

5 MEMBER ELLIS: Somehow I get the feeling that
6 the BLM is counting on the Army to fund most of the
7 requirements for the West Mojave Plan and sort of looking at
8 it as a giant cash cow has sort of fallen into their lap
9 here because they decided to move to the west. And is this
10 really going to help the tortoise in the end here in the
11 West Mojave?

12 MR. HAIGH: The answer is that's what we have
13 to answer in the environmental study. We will have the
14 answer for you hopefully in November.

15 MEMBER ANDERSON: Can you give me an update
16 on what the status in the plan is for the burrowing owl?

17 MR. LaPre: The Department of Fish and Game
18 has responded to my proposals by having a different answer
19 from every person you talk to. Or by not agreeing with
20 anything.

21 So one thing they have made clear, though, is
22 they don't want burrowing owls picked up and transported
23 somewhere and let go and never know the fate of them. It's
24 far better to acquire land where burrowing owls are known.
25 So the burrowing owl plan, which is not in the package

1 anyone has received, is to acquire land in three areas where
2 we know that there are burrowing owls. And those areas have
3 other benefits.

4 One is a linkage between the Aviary Ridge,
5 Ritter Ridge area in the San Andreas rip zone and the State
6 Poppy Preserve. That area at the edge of the Antelope
7 Valley has burrowing owls and it has those remnant native
8 grasslands. So if there is willing sellers in there with
9 owls on their property, we can use mitigation fees to buy in
10 there.

11 The two other areas are along the Mojave River
12 and in the Brisbane Valley adjacent to the Mojave mud area.

13 The rest of the burrowing owl plan is at the
14 time of permit issuance by a local jurisdiction, it's an
15 education plan. The person at the counter hands the
16 developer a flyer and says, "Look for these." It has a
17 picture of a burrowing owl. It tells what their burrows
18 look like. If you have a problem, call 1-800-owl, which is
19 a Department of Fish and Game number to be established. And
20 that's for areas that have no tortoise surveys, areas with
21 tortoise surveys, that is clearance surveys. Then they also
22 do a clearance survey for the burrowing owl. That's what it
23 is.

24 MEMBER ANDERSON: So it's a permitted species
25 covered under a permit, then? Is that what the goal is?

1 MR. LaPre: That is the goal.

2 MEMBER DENNER: Simple question. If I went
3 for a hike in the West Mojave and jumped over a Lane
4 Mountain Milkvetch plant, because I certainly wouldn't walk
5 on it. How would I recognize that as being different from
6 the Pierson Milkvetch plant that I ran my motorcycle beside,
7 but didn't run over?

8 MR. LaPre: Oh, you should go to Cushenbury
9 and see the Cushenbury Milkvetch too. And to Owens Valley
10 and see the Fish Springs Milkvetch. That particular group
11 of plants is a lot of species, a lot of local endemics, and
12 a very small range, and a lot of threatened and endangered.

13 The answer to your question is the Lane
14 Mountain Vetch plant grows up in a host plant. It grows
15 like a vine, and it's always inside another plant. And they
16 are really hard to see, even when they are up and flowering,
17 because you see mostly the plant that it's in. But you look
18 for these pea pods of a little vine that's inside of another
19 plant. Whereas the Pierson's Milkvetch plant goes up --

20 MEMBER DENNER: So they are significantly
21 different?

22 MR. LaPre: The Lane Mountain Milkvetch is
23 quite distinct from all other Milkvetches.

24 MR. DANNA: We have another speaker before
25 our time limit runs out.

1 CHAIRPERSON KEMPER: Okay. Next speaker.

2 MR. WEEKS: Good afternoon. Thank you for
3 sticking this out. I see you all stretching and wiggling
4 your feet and getting anxious, so we will start by going
5 through all these maps one by one and maybe we will get out
6 of here by midnight.

7 I'm Les Weeks. And I work with the West
8 Mojave team and a number of people here in the audience, and
9 have been in surveying routes and a number of the BLM staff
10 and going about trying to come up with some preliminary
11 designations.

12 The purpose of my little spiel here is really
13 twofold. One, I would like to bring you up to date on what
14 we have been doing for our field inventory and how we went
15 about it and why we did it and where. And then I would like
16 to go over a little bit on how we developed a route
17 designation process and some of the input we received in
18 that regard.

19 What I want to talk about, those two things,
20 the field inventory and the route designation process, have
21 been attempted several times. And what I will be talking
22 about are concerns for those efforts which have taken place
23 just over the last year.

24 And they were borne out of an effort to
25 address the public concerns that were elevated to fairly

1 high levels about a year ago over a suggested route network
2 which was developed and put out publicly.

3 Basically, what is real important is we go
4 over some of the public concerns that were brought up last
5 year, and then how we address those. And some of those
6 concerns many of you will recognize because many of you made
7 those, included the need for more ground touching of the
8 routes. The need for the use of more recreational data to
9 know where these routes do go. The need to take into
10 greater consideration various public access needs, including
11 commercial public access needs.

12 The call was also made for a more complete
13 biological data in the decision making process. And as we
14 came out with previous suggested route network, a call was
15 made for perhaps a readily apparent, if not transparent,
16 standardized route designation process that the public, in
17 evaluating how we arrived at decisions, could follow that.

18 There was also a call that the designation
19 process occur on a route-by-route basis. That we wouldn't
20 just clump areas with closures, if you will, and that
21 records be kept for how the decisions were arrived at for
22 each route.

23 And then last, but certainly not least,
24 inasmuch as possible, we document clearly the linkage
25 between some of the decisions and some of the biological

1 data that was used in making some of those route
2 designations.

3 Next I would like to talk just for a moment on
4 what we have done to address those concerns, and they fall
5 into three categories. First, with regards to the needs for
6 more biological data. You have heard from both Larry and Ed
7 from ongoing efforts to work in the field and gather more
8 biological area.

9 The second and third I would like to talk
10 about. The first is the route inventory effort. Starting
11 about last September, I was tasked by Bill Haigh to put
12 together some crews and go out and ground through some of
13 the maps that we had. And while we were doing that, gather
14 locational data to also gather, inasmuch as possible how
15 those routes were being used.

16 So from the period of about September of '01
17 through about March of this year, we went out and worked in
18 a lot of the West Mojave. We prioritized our survey effort,
19 working first in the tortoise DWMA areas, in those areas
20 where there were other species of significant concern, T&E,
21 sensitive species, and also those areas that had already
22 arisen to the top in terms of having a high level of public
23 concern.

24 And in summary, if you want to turn out and I
25 will try to point. Tony, I might relieve you of that. But

1 we worked in the pink areas in this map right here. And
2 from the top, the Ridgecrest region, we worked in the El
3 Pasos. We worked down into Reed Mountain, Fremont, Kramer,
4 a little bit into El Mirage, over into the Superior, into
5 the Coyotes, the Newberry-Rodman area and a little bit over
6 in Middle Knob.

7 And these areas in particular; right here
8 where I'm circling, had the highest tortoise concerns. And
9 it's in those subregions, approximately 8 to 12, where we
10 gathered data on approximately 8,000 miles of routes.

11 The way this was set up is probably very
12 important to a lot of people. The way this was set up is we
13 established -- we gathered the data via motorcycle teams and
14 via four-wheel-drive teams. We paired surveyors with
15 guides. And the idea behind the surveyors is they would be
16 the data collectors, and as much as possible, would
17 objectively collect a variety of data. And they represented
18 people that were rec planners, geographers, geologists, and
19 then paired with them would be folks that were guides.

20 In many respects, the guides were folks that
21 were locals. They were desert lovers. Not only had a lot
22 of interest in what we were doing, but also had a lot of
23 local information. So we collected -- our guides came from
24 motorcycle groups, four-wheel-drive groups, as well as we
25 had three folks from Quail Limited. We had some miners. We

1 had folks that run back-country SUV explorer trips. And so
2 by pairing these folks together, we were hoping that we
3 could be sure to capture the various interests and needs
4 that were out there in the public-at-large. But also try to
5 do it in a fashion by having objective data collectors that
6 did go through a standardized training procedure to collect
7 what they saw on the ground.

8 In the end, like I said, we collected about
9 8,000 miles. The type of information we collected from all
10 accounts I am receiving from BLM staff far exceeds anything
11 we have had in the past in that we collected information on
12 route type, whether it was single track, dual track; we
13 tried to gather data on level of use inasmuch as possible as
14 evidenced by the amount of woody vegetation.

15 We also tried to make a record whether it was
16 a technical four-wheel-drive route versus a graded road.
17 And then perhaps very importantly, and this has certainly
18 helped a lot in the designation process, we gathered various
19 point data or attribute data along those routes. We looked
20 for mining claims or other evidence of mining activities,
21 cabins, buildings, utility lines, seeps, scenic points, camp
22 sites, rubble heaps, wells, staging areas. And included in
23 staging areas, we were not only looking for staging areas
24 for motorized recreational use, but we were also looking for
25 staging areas for equestrians. We had equestrians in our

1 group, as well.

2 So with that data, we produced a mountain of
3 maps. This is a partial representation of these. And
4 behind you, I have a very small representation of some of
5 the maps that we have collected. They are along the bottom
6 row and behind you here. And these three on the right, what
7 they represent -- each of them represents just one
8 subregion. What I am pointing at right now is the Coyote
9 subregion. This corresponds to this pink spot right there
10 on that map.

11 This subregion down here corresponds -- that's
12 the Fremont subregion -- it corresponds to this area. This
13 is the Kramer subregion. It corresponds to that pink area.
14 Then within each one of these, we broke these maps, these
15 larger scaled maps, if you will, down into blowups, if you
16 will. This is a portion of the Fremont subregion up in this
17 area. And it was necessary to go to that level of detail in
18 order for us to make use of all the data that we had
19 collected.

20 I would like to talk for a second how we use
21 the data. And Harold, if you could pass out something that
22 we call a decision tree or flow chart, and I will go over
23 that for a few minutes. And I apologize to the public. We
24 have boxes of material, but we have a scoping meeting in
25 Victorville in an hour and a half, and that's where all our

1 paperwork has been shipped. So I only have a few copies
2 here that I just dummied up here real fast and color-coded.

3 Basically, how does one come up with a route
4 designation process? How do you eat an elephant? And I
5 would say for us, it was one bite at a time. I'm sorry I
6 don't have more maps or more of these decision trees, but if
7 you would share them I would appreciate it. Jeri, I know
8 it's three people for one.

9 First, we decided -- and we had a number of
10 meetings with the public, and as has been stated, we had
11 over 50 meetings. We had at least a dozen meetings with a
12 route designation task group. I have gone out and met with
13 the public over the last year. And I have met several of
14 you, most of the people in the crowd, and tried to gather
15 what they were concerned about.

16 Also talked to various BLM professionals,
17 recreational planners, and worked closely with the
18 biologists. And we were starting very broadly to recognize
19 that we needed to address the various statutes and planning
20 documents were already on the books with regards to a
21 designation process. I'm sure you have all heard of them.
22 We had to deal with FLPMA, NECA, CEQA, the Endangered
23 Species Act, California Endangered Species Act, Taylor
24 Grazing Act, the various mining acts, et cetera. And we had
25 to become aware of those, as well as the various planning

1 documents. For example, the CECA plan.

2 The second step was to identify broadly our
3 various goals. And we had a sheet that we handed out to one
4 of our tasks groups, 5 or 6 pages of various goals. But
5 essentially, for the sake of expediting things, some of the
6 goals that we felt boiled to the top is that the whole
7 purpose of this process, not just route designation, but
8 this planning effort is the recovery of the listed species
9 per Section 7 of FESA.

10 We also recognized perhaps another goal of
11 this whole process was to provide, inasmuch as possible, for
12 adequate commercial and recreational public access. So if
13 those were our two overarching principal goals in coming up
14 with this designation process, we then started boiling down
15 some of the more specific concerns and issues that the
16 public had raised over the last several years, and for many,
17 the last year or so.

18 As you go through this decision tree, we try
19 to capture most of those. And for the public behind me, I
20 will show them over my shoulder what they are looking at.
21 If you went to work and were looking at a route, and you
22 tried to make a determination whether that route should
23 perhaps -- this is just an initial recommendation -- whether
24 it should remain open or stay closed, a variety of things
25 needed to be addressed.

1 So what we have done as designators, we had
2 these maps that we worked with. These maps would tell us in
3 some respects how that route was used and how much it was
4 used. It would tell us, for example, was there a scenic
5 view? Did it have camp sites? But also, these maps had
6 land ownership as a backdrop. They also had topography.
7 And then in working very closely with Ed LaRue and Larry
8 LaPre, the biologists that spoke earlier, we had overlaid
9 polygons or squares, if you will, that would show where Ed
10 was picking up maybe the greatest indicators of tortoise
11 data.

12 Or in the case of Larry, if he was dealing
13 with individual hot spots with T&E plants. And these would
14 be on the map. And then we would zoom in on that particular
15 individual route per the public's request. They asked that
16 we evaluate each route on its own merits. And we would
17 start with the yellow boxes on top are some of the special
18 permitted uses. For example, does a route provide private
19 property access? Does a route provide access to a mine
20 site? Is a route a recognized county graded route? Or does
21 a route have special historic significance?

22 And based upon how you answer that first
23 question in the top yellow box, you then follow the arrows
24 down to the next sequence of questions. And generally the
25 hierarchy, not necessarily in order of importance, but the

1 next set of questions are those that are colored in green in
2 most cases. And those deal with biological concerns. Where
3 this teases the designator to say, now, go back to your map
4 and take a look. What does this route do or how proximate
5 is it to various environmental concerns? Are those
6 environmental concerns general in terms of just being in
7 primary tortoise habitat? Or is this route very close to a
8 very sensitive spring?

9 And then secondarily, we asked another
10 biological question: How might this route contribute to
11 what we call cumulative effects for environmental
12 degradation? The next series of questions -- and typically
13 as designators, we would default. We would try to answer
14 most of these questions. We would work our way all the way
15 to the bottom of this chart for each route, but then ask how
16 does this route affect subaccess? And not only commercial
17 access, but private access, recreationally? We would ask
18 questions like, How does this route contribute to the public
19 being able to get around in the area? Conductivity would be
20 the question.

21 How well does it help disperse use such that
22 the people aren't too crowded? How does it affect private
23 property access? Very specifically, how does it affect the
24 ability of the public to remain safe while they are
25 recreating on public lands? For example, I had some

1 equestrians in the Juniper subregion who were real concerned
2 about -- they are willing to share routes with motorcycles
3 on the equestrians routes --

4 CHAIRPERSON KEMPER: It's 5 o'clock, and I
5 know you guys need to go to Victorville, so if you could
6 wrap it up.

7 MR. WEEKS: Okay. The last set of questions
8 are the orange questions, which basically force the
9 designator to try to reconcile the biological needs with the
10 public access needs. And it comes down to a question that
11 often deals with duplicity or replication in the route.

12 Overall we found out that based on the
13 biological constraints in different parts of the planning
14 area, we would find in those areas where there were more
15 concerns, more routes would get closed. In those areas
16 where there weren't as many concerns, fewer routes would be
17 suggested for closure. So we did not have any across-the
18 board percentage they were shooting for. We evaluated each
19 route on its own merit, and then we zoomed back from the
20 map, looked at the overall conductivity of the system that
21 we were creating in an effort -- that what we were going to
22 give the public for either recreational or commercial access
23 would suit not only immediate, but future needs.

24 MEMBER SMITH: Am I correct that part of your
25 criteria does not include archaeological sites, like

1 pictographs and petroglyphs?

2 MR. WEEKS: No. You will notice in the
3 decision tree, I think in one of the boxes there is
4 reference to cultural concerns. The Antiquities Act I
5 failed to mention that as a guiding principle. After we get
6 all done with our -- we don't believe as designators we are
7 qualified to make that final call. So when we get done with
8 our suggested route network, we meet with the cultural folks
9 within the agency and let them make some of those calls.

10 CHAIRPERSON KEMPER: Anybody else?

11 MEMBER ANDERSON: Quick question. The last
12 time that I took a cursory look at the maps, there was
13 evidence that biological data for sensitive species had been
14 omitted. And I was wondering if you were revisiting all the
15 maps, because obviously, if it happened on one that I
16 happened to catch in a five-minute review, it certainly
17 brought into my mind questions about those data.

18 MR. WEEKS: You very much caught our
19 attention last time when you pointed out that we had missed
20 something. So, yes, everything to my knowledge has been
21 revisited. Or if it hasn't, will be revisited. And we are
22 hoping comments just like that will help pick out the holes
23 in the process that we have developed or in our data sets.
24 Whether we missed a route, we missed a particularly
25 sensitive area. But in talking to Larry very specifically

1 about that plant, I mean, he went away shaking his head.
2 And I'm sure that that and other things will be corrected as
3 we move through that process.

4 MEMBER MC QUISTON: I have a question, if I
5 may. The route designation is one that's been near and dear
6 to my heart for some time. Just no question but just a
7 general observation and a general statement.

8 I have said many times when you get into the
9 rural areas, what makes rural areas rural is the fact that
10 the local economic depends on it as the economic engine.
11 That's horse corrals or that trough or that mine. While
12 there may be some -- to some, that's a nuisance and
13 unnecessary, it's a stream of commerce.

14 And on your decision matrix, just an
15 observation to me, is under FLPMA where we talk about
16 multiple use and there are certain types of activities that
17 are provided for, when we take away from those provided-for
18 activities, the standard ought to be higher than "likely" or
19 "might." The standard ought to be "will," and then there
20 ought to be some definitive process where we made the
21 determination that it will; that it rises to a threshold of
22 significance that warrants recommended action.

23 MR. WEEKS: I appreciate that. You heard Ed
24 earlier talk about the MAD maps, Make a Difference, so we
25 are trying not to close routes for closing routes' sake, but

1 trying to do it in those areas with the best available data
2 we have or biologists have that they sincerely believe it
3 would make a difference.

4 MEMBER MC QUISTON: We respect that. But
5 let's go back to the data. We need data, and I suggest
6 something stronger than "likely" or "might."

7 MR. WEEKS: Okay. Thank you, Jon.

8 CHAIRPERSON KEMPER: Thank you very much.

9 MR. WEEKS: Okay. Thank you.

10 CHAIRPERSON KEMPER: Is there any other
11 discussion on what has been presented to us this afternoon?
12 Hearing none, I would entertain a motion to adjourn until 8
13 o'clock tomorrow morning.

14 MEMBER FERGUSON: I can write that motion.

15 CHAIRPERSON KEMPER: I have a motion. Do I
16 have a second?

17 MEMBER BETTERLY: Second.

18 CHAIRPERSON KEMPER: All in favor? Any
19 opposed? Motion carried.

20 (The deposition was concluded at 5:10 p.m.)

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1 R E P O R T E R ' S C E R T I F I C A T E

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3 I, Judith W. Gillespie, a certified shorthand
4 reporter, do hereby certify that the foregoing pages
5 comprise a full, true and correct transcription of the
6 proceedings had and the testimony taken at the hearing in
7 the hereinbefore-entitled matter of June 28, 2002.

8 Dated this 19th day of July, 2002, at
9 Riverside, California.

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Judith W. Gillespie, CSR No. 3710

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